

HON'BLE SRI JUSTICE R.KANTHA RAO

W.P.No.31131 of 2015

ORDER:

Heard learned counsel appearing for the petitioner and learned Standing Counsel appearing for respondent-Corporation.

This writ petition is filed seeking to declare the action of the respondents in not considering the case of the petitioner for re-appointment as arbitrary and illegal.

The petitioner was appointed as Driver in the respondent-Corporation in 1990. His services were regularized on 1.7.1993. While working as Driver in the respondent-Corporation, he contested for the post of Sarpanch in the Gram Panchayat Elections in 2006 and got elected as Sarpanch and worked from 2006 to 2011. In the meanwhile, charge was framed against him by the Department on the ground that without tendering resignation to the post of Driver, he has contested in the election and got elected as Sarpanch, which amounts to misconduct in terms of Regulation 23 (i) of APSRTC Employees (Conduct) Regulations, 1963 and Regulation 9 read with Regulation 8 (i) of APSRTC Employees (CCA) Regulation 1967. After receiving the explanation, enquiry was conducted and ultimately, the petitioner was dismissed from service *vide* proceedings dated 10.01.2008.

Learned counsel appearing for the petitioner would submit that the first respondent *vide* Circular dated 23.1.2009 directed the 2nd respondent to appoint all individuals, who were removed/dismissed from service for having contested

the elections to local bodies during the year 2006 without tendering resignations, afresh in their respective posts, as onetime measure by invoking Section 34 (1) of the Road Transport Corporation Act, 1950 and therefore, the petitioner has to be reinstated into service.

On the other hand, learned Standing Counsel appearing for the respondent-Corporation would contend that the said Circular is applicable to the persons, who contested in the elections and local bodies, but not elected and not applicable to the employees, who won the election and served their term in the local bodies.

Having regard to the submissions made by the learned counsel on either side, without expressing any opinion on the merits of the case, the respondents are directed to examine the case of the petitioner in terms of the Circular dated 23.01.2009 issued by the 1st respondent and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

As a sequel, Miscellaneous Applications, if any, shall stand closed.

JUSTICE R.KANTHA RAO

23rd September, 2015

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