

HON'BLE SRI JUSTICE R.KANTHA RAO
W.P.No.22651 OF 2015

ORDER

This writ petition is filed seeking to declare the action of the respondent in issuing the impugned proceedings dated 21.5.2013 reinstating the petitioner into service as fresh conductor by denying the continuity of service, attendant benefits and back wages, as arbitrary and illegal.

At the hearing, learned counsel on either side fairly concedes that the issue involved in the present writ petition is squarely covered by the judgment of learned Single Judge of this Court in K.C.Narayana vs Managing Director^[1], wherein it is held as follows:

“In view of the judgment of the Supreme Court in T.J.Paul’s case (supra), the earlier judgments of this Court taking a contrary view must be held no longer as good law and as a result the impugned order of the reviewing authority, appointing the petitioner as a conductor afresh, must necessarily be set aside and the matter remanded to the 2nd respondent for his consideration on the question of penalty.

The impugned order of the 2nd respondent is, accordingly, set aside and he is directed to examine the records and determine the appropriate punishment to be imposed on the petitioner strictly in accordance with the APSRTC Employees (Classification, Control and Appeal) Regulations, 1967, within a period of four months from the date of receipt of a copy of this order. Needless to state that, since the petitioner has been continuing pursuant to the earlier order of the Reviewing Authority to appoint him afresh as a Conductor, status quo as on today shall continue till final orders are passed by the 2nd

respondent on the punishment to be imposed on the petitioner herein.”

Hence, this Writ Petition is also disposed of in terms of the ratio laid by the learned Single Judge in the case referred to supra. The impugned order, whereby the petitioner was appointed as fresh conductor, is set aside. The 3rd respondent is directed to examine the records and determine the appropriate punishment to be imposed against the petitioner strictly in accordance with the APSRTC Employees (Classification, Control and Appeal) Regulations, 1967, within a period of four months from the date of receipt of a copy of this order. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

JUSTICE R.KANTHA RAO

31st July, 2015

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^[1] **ALD-2007-5-416**