

**HON'BLE SRI JSUTICE R.KANTHA RAO**

**Writ Petition No.18698 of 2015**

**ORDER:**

Heard Sri V. Narasimha Goud, learned counsel appearing for the petitioner and Sri N. Vasudeva Reddy, learned standing counsel for respondents.

2. According to the petitioner, he joined as a Conductor in the 4<sup>th</sup> respondent-Depot on 27.01.2009 after undergoing due process of selection. His services were terminated on 04.05.2009 on the ground that he did not attend to the duties from 23.04.2009 to 04.05.2009. The version of the petitioner is that before passing order of termination, no enquiry was conducted and no opportunity was afforded to him to submit his explanation. According to the petitioner, he made representation before the 3<sup>rd</sup> respondent, who passed an order on 12.11.2009 directing the 5<sup>th</sup> respondent to take the petitioner on duty afresh as contract conductor and directed the petitioner to report to the duty within seven days, and also stating therein that on failure of the petitioner to report to the duty, the above order stands cancelled. It is submitted by the petitioner that from 12.11.2009 to 08.04.2012 he was suffering from serious illness due to which he could not report before the 5<sup>th</sup> respondent. However, he reported for duty on 09.04.2012, but the 5<sup>th</sup> respondent has not allowed him for duty on the ground that he did not report to duty within the stipulated time. Thereafter, he made a representation dated 09.04.2012 to the 3<sup>rd</sup> respondent to extend the time for reporting duty and restore the reinstatement order dated 12.11.2009. As his representation was not disposed of for a long time, he filed WP No.27154 of 2014 before this court and this court directed the 3<sup>rd</sup> respondent to dispose of the representation dated 09.04.2012. However, the same was rejected by the 3<sup>rd</sup> respondent vide order

dated 27.11.2014. Thereafter, the petitioner filed the review petition before the 2<sup>nd</sup> respondent, which was also rejected on 18.02.2015. Aggrieved thereby, the present writ petition is filed.

3. Considering the submissions made on either side, this court is of the opinion that the petitioner has sufficient reason for not reporting to the duty at the appropriate time, as he fell sick seriously and in support of his version, he produced medical certificate showing the same. Therefore, the 3<sup>rd</sup> respondent ought to have admitted the petitioner to the duties.

4. In the circumstances, the impugned proceedings dated 27.11.2014 of the 3<sup>rd</sup> respondent and review order dated 18.02.2015 of the 2<sup>nd</sup> respondent, are set aside and the order dated 12.11.2009 passed by the 3<sup>rd</sup> respondent is revived and the 3<sup>rd</sup> respondent is directed to issue posting orders to the petitioner as a fresh contract conductor, after following the Rules of the Corporation, within a period of eight (8) weeks from the date of receipt of a copy of this order. However, it is made clear that the petitioner is not entitled to any benefits and he shall be treated as a contract conductor from the date on which he assumed duties.

5. The writ petition is accordingly disposed of. No order as to costs. Miscellaneous petitions pending, if any, in this writ petition shall stand closed.

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***R.KANTHA RAO, J***

Date: 26.06.2015  
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**HON'BLE SRI JUSTICE R.KANTHA RAO**

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