

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD  
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH**

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**WRIT PETITION No.29544 OF 2015**

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Between:

M.A.Sajid Pasha. .. Petitioner

And

The Executive Director, TSRTC, Karimnagar Zone, Karimnagar and others.

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 28-09-2015

**SUBMITTED FOR APPROVAL:**

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

1. Whether Reporters of Local newspapers Yes/No  
may be allowed to see the Judgment?

2. Whether the copies of judgment may be Yes/No

marked to Law Reporters/Journals

3. Whether Their Lordship wish to

see the fair copy of the Judgment? Yes/No

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

**WRIT PETITION No.29544 of 2015**

**ORDER:**

Heard Sri K.Srinivasa Rao, learned Counsel appearing for the petitioner, and Sri B.Mayur Reddy, learned Standing Counsel appearing for the respondent – Corporation.

The petitioner filed the present Writ Petition questioning the order of termination passed by the fourth respondent on 02.08.2011, which was confirmed in the appeal, vide proceedings dated 31.12.2014, and further confirmed by the second respondent in review petition, vide proceedings dated 05.02.2015, and also confirmed by the first respondent in review appeal vide proceedings dated 30.05.2015. The petitioner was appointed as a conductor by the respondent – Corporation in the year 2009. While working under the control of the fourth respondent, charge sheet was issued to the petitioner on 03.04.2011 alleging that he was absent for duties from 20.08.2010 to 02.08.2011 without any leave or intimation. The version of the petitioner is that he was ill due to typhoid and jaundice and he was bed ridden, and his absence was neither wilful nor wanton. Subsequently, he filed an appeal but the same was rejected vide proceedings dated 31.12.2014 on the ground of delay. The review petition filed by him thereafter was also rejected. The review appeal was

also rejected subsequently. Therefore, he filed the Writ Petition questioning the termination order dated 02.08.2011.

Reliance is placed by the learned Counsel appearing for the petitioner on a common order passed by the learned Single Judge in W.P.No.2786 of 2012 and batch. Issue identical to the present one fell for consideration before the learned Single Judge and the learned Single Judge, in his order dated 29.02.2012, held that, in cases where appeals, revisions or writ petitions are filed three years after the order of termination, such persons shall be considered for reengagement as fresh contract employees subject to medical fitness and availability of vacancy but they shall not be entitled for continuity of service.

Following the judgment relied on by the learned Counsel appearing for the petitioner, the Writ Petition is disposed of directing the respondents to appoint the petitioner as a fresh contract conductor, subject to medical fitness and availability of vacancy, without any other benefit, including continuity of service.

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

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**R.KANTHA RAO,J**

Date:28.09.2015

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