

HON'BLE SRI JUSTICE R.KANTHA RAO

Writ Petition No.33479 of 2015

ORDER:

Heard Sri Nagaraju Naguru, learned counsel appearing for the petitioner and Sri A. Rama Rao, learned Standing Counsel appearing for the respondent-Corporation.

2. This writ petition is filed seeking to declare the order passed by the 3rd respondent in proceedings dated 23.04.2015 refusing to consider the petitioner's seniority having protected his pay in the post of Conductor Gr.II with effect from 02.08.1993, as arbitrary and illegal.

3. The petitioner was appointed as Driver in the Corporation on 02.08.1993 and his services were regularized in that post. Due to defective distant vision of right eye, the petitioner was found medically unfit for the post of Driver. Thereafter, the respondent-Corporation provided him alternate job of Conductor vide proceedings dated 23.04.2015 and protected his pay, but refused to protect his seniority from the date of his initial appointment.

4. Learned counsel appearing for the petitioner contended that seniority of the petitioner shall be counted from 02.08.1993 i.e., on the date on which he was appointed as regular driver.

5. In view of the fact that the petitioner was appointed as Driver in the respondent-Corporation on 02.08.1993, his seniority can be counted in that post, but not in the alternate post of Conductor. Therefore, the proceedings dated 23.04.2015 issued by the 3rd respondent are set aside and the respondent-Corporation is directed to count the seniority of the petitioner from 02.08.1993 on which date he was appointed in the post of Driver on regular basis and consider his case for all the

benefits including promotion.

6. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

R.KANTHA RAO,J

Date: 12.10.2015

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