

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.27326 of 2007

ORDER:

This writ petition is filed for a writ of *mandamus* declaring the action of the respondents in not verifying the petitioner's license with the RTA, Tunkur, Karnataka, as illegal and arbitrary and consequently direct the respondents to verify the genuinity of the license of the petitioner with the license issuing authority Tunkur, Karnataka.

2. Heard the learned counsel for the petitioner and Sri A. Rama Rao, learned Standing Counsel for the respondent Corporation and perused the material available on record.

3. The case of the petitioner is that the petitioner obtained a valid driving license in the year 1984 from Tunkur, Karnataka, while he was working as a lorry driver. While so, his license was transferred to Kadapa in the year 1984 itself by following appropriate procedure. When the respondent Corporation issued a notification for appointment of drivers in the Corporation in the year 1986, the petitioner was appointed as driver in the month of December, 1986. When the petitioner was performing his duties on 10.03.2006, a check was exercised by the checking officials at stage Kodur point. As the license of the petitioner was expired, the same was submitted to the licensing authority for renewing the same and the petitioner has shown a xerox copy of his license. On verifying the same, the Depot Manager, Rajampet Bus Depot, Kadapa District (3rd respondent) issued a charge sheet, dated 19.04.2006, alleging that the

petitioner has produced a bogus license and framed the following charges against the petitioner:

“a) For having produced bogus Driving Licence No.1249/84 which is not connected to you since the same was issued in favour of Sri. T. Srinivasulu, S/o. T.Venkata Swamy and authorized to drive M/Cycle with gear only as per Addl. Licencing Authority, Kadapa certification which constitutes misconduct as per Reg. 28 (ii & xxxii) of A.P.S.R.T.C., Employees (Conduct) Reg. 1963.

b) For having performed your duties without valid Driving Licence which constitutes misconduct as per Reg. 28 (xxxii) of A.P.S.R.T.C., Employees (Conduct) Reg. 1963.

c) For having cheated the Corporation by producing Bogus Driving Licence and get job and working in A.P.S.R.T.C., which constitutes misconduct as per Reg. 28 (xxii) of A.P.S.R.T.C., Employees (Conduct) Regulations, 1963 and connected to CC & A Reg. 2 (iv) of 1967.”

The petitioner submitted his explanation for the said charges on 21.06.2006 denying the charges. On enquiry, the petitioner was found guilty of the charges and finally after issuing show cause notice, the petitioner was terminated from his services vide proceedings of the 3rd respondent, dated 04.09.2006.

4. The grievance of the petitioner is that the petitioner produced a valid licence obtained from RTA, Tunkur, Karnataka. Without verifying the license before the concerned RTA, the 3rd respondent verified the same in some other place and came to a conclusion that the petitioner has produced an invalid licence.

5. This Court, by order, dated 20.12.2007, granted interim suspension of the proceedings of the 3rd respondent, dated 04.09.2006, in W.P.M.P.No.35734 of 2007 and directed the respondent Corporation to continue the petitioner in service and an interim direction was also passed on 20.12.2007 in

W.P.M.P.No.35735 of 2007 directing the 2nd respondent to verify the genuinity of the license of the petitioner from RTA, Tunkur, Karnataka.

6. When the matter came up for consideration, it is informed by the learned counsel for the petitioner that as per the interim direction of this Court on 20.12.2007 in W.P.M.P.No.35734 of 2007, the petitioner continued in service and as per the interim direction of this Court on 20.12.2007 in W.P.M.P.No.35735 of 2007, the 2nd respondent has also verified the genuinity of the license issued by the concerned office i.e., RTA, Tunkur, Karnataka, in favour of the petitioner and the same found to be valid.

7. Considering the said facts and circumstances of the case, the Writ Petition is disposed of with the following direction:

Since it is proved that the petitioner is having a valid driving license, the respondent Corporation is directed to continue the service of the petitioner as per the interim order of this Court.

8. 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.

RAJA ELANGO, J

Date: 14th October, 2016

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