

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.16865 of 2012

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Date: 03.02.2016

Between:

K.Nageswara Rao, S/o Narasaiah, 51 years,
Driver, E.358217, H.No.12-32, Netaji Nagar,
Nandigama Post & Mandal, Krishna District.

..... Petitioner

And

Andhra Pradesh State Road Transport
Corporation, Musheerabad, Hyderabad,
rep.by its Managing Director and others.

.... Respondents

This Court made the following :

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ORDER :

Petitioner is a driver. He was asked to discharge the duties of the Conductor. Petitioner expressed his inability to perform the duties of the Conductor on the ground that he is an illiterate person. Alleging that petitioner refused to perform the duties entrusted to him and the same would amount to insubordination causing difficulty to the Traffic Supervisors in organizing the work and may result in dismissal from service, he was placed under suspension by proceedings dated 22.05.2012. _

2. This Court by order dated 08.06.2012 granted interim suspension.

3. When the matter is taken up for consideration, learned counsel for petitioner as well as learned standing counsel submit that this Court consistently held that Driver cannot be compelled to work as Conductor and such action is illegal. Against the orders of the learned single Judge, in one of the writ petitions, the respondent corporation preferred Writ Appeal No.954 of 2015. However, when the writ appeal was taken up for consideration, representation was made that the corporation was not intending to prosecute the writ appeal and accept the decision of the learned single Judge. While granting liberty to the respondent corporation to act in accordance with the provision contained in Section 29(2) of the Motor Vehicles Act, 1988, the writ

appeal was closed.

4. Having regard to the earlier orders of this Court, the order of suspension is not sustainable and it is accordingly set aside. The writ petition is allowed accordingly.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

JUSTICE P.NAVEEN RAO

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