

HON'BLE SRI JUSTICE U. DURGA PRASAD RAO

Writ Petition No.7261 of 2007

ORDER:

This writ petition is filed by the petitioner, who was working as Assistant Depot Clerk (ADC) in APSRTC, Ranigunj I Depot, Secunderabad, seeking a writ of Mandamus declaring the action of respondents in not paying the salary in the pay scale attached to the ADC with effect from the date of his promotion i.e, July, 2006 as bad, arbitrary, illegal and consequently direct the respondents to pay the arrears of salary as per the corrigendum dated 18.12.2003 and office order dated 15.05.2006.

2 a) The petitioner's case is that earlier he was working as Conductor in Ranigunj I Bus Depot and while he was doing duty on route Old Alwal to Secunderabad Station (No.25), a check was exercised at Natraj Theatre i.e, Stage No.2/1 on 10.03.1994 by the authorities and pursuant to their check, a charge sheet was issued levelling two charges. Firstly, that he failed to collect the fare and issue tickets to a batch of six passengers, who were found alighting without tickets at Natraj Theatre having boarded the bus at Old Alwal and secondly, he failed to complete the ticket issue even after passing the fare stages en-route Secunderabad Station. An enquiry was conducted and finally, he was removed by order dt.18.06.1994. The petitioner filed an appeal but it was rejected on 30.07.1994. Thereafter the petitioner preferred a review petition before the Regional Manager, Hyderabad City Region and by an order dt.04.03.1995 in proceedings No. PA/20(167/94-HCR), the Reviewing Authority considering the attending

circumstances i.e, the load of the bus at the time of the check and clean record of the petitioner for the last 10 years without any major punishments, took a lenient view on humanitarian grounds and ordered for his reinstatement into service. It was further ordered that on reinstatement, his pay shall be reduced to the minimum of the conductor's scale of pay and his seniority shall also be reduced and reckoned as if he was appointed afresh conductor; the period from the date of his suspension till he reports duty at the place of posting shall be treated as not on Duty for all purposes.

b) Aggrieved by the above review order, the petitioner submitted a representation to the Regional manager to consider his case and by an order dated 18.12.2003, the Regional Manager passed a corrigendum as per the Regulation No.16 and 17 of the CCA Regulations as follows:

a) On reinstatement, the pay of the petitioner be reduced to a minimum of time scale of pay in Conductor Gr.1 category for the period of 2 yrs without having effect on his future increments. During the period of punishment, he is not eligible for increments.

b) The period from the date of his suspension till he reports on his reinstatement at the place of posting be treated as NOT ON DUTY for the purpose of PF, Gratuity, Leave, Increment.

The remaining part of the proceedings dated 09.03.1995 stand good.

c) The grievance of the petitioner is that though the authorities reinstated him into service pursuant to the order in review petition, they have not implemented the corrigendum order subsequently passed by the Regional Manager on 18.12.2003. Thereby, the petitioner was put to much hardship.

d) The petitioner's further case is that he was promoted as Assistant Depot Clerk on 16.05.2006 and he was retired from service after attaining superannuation on 30.09.2007. Had the corrigendum order was implemented in true spirit, he would have got a much better financial advantage.

Hence, the instant writ petition by the petitioner.

3) The respondents/APSRTC filed counter.

4) When the matter came up for hearing today, learned Standing Counsel for RTC/respondents Sri N.Vasudeva Reddy, would fairly submit that the respondents/RTC have not implemented the corrigendum order dated 18.12.2003 and prayed time for implementing the same.

5) In view of the above submission, this Writ Petition is allowed and the respondents authorities are directed to implement the corrigendum order dated 18.12.2003 passed by the Regional Manager, APSRTC, Hyderabad City Region, Secunderabad within Six(6) weeks from the date of this order and pay the monetary benefits to the petitioner within Two(2) weeks from the date of fixation of pay. No costs.

As a sequel, miscellaneous petitions pending if any, shall stand closed.

U. DURGA PRASAD RAO, J

Date: 23.09.2016

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