

THE HON'BLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION No.12736 of 2016

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ORDER:

This writ petition is filed under Article 226 of the Constitution of India for the following relief:

"To issue a writ or order, orders or directions more particularly one in the nature of Writ of Mandamus –

- i) declaring the action of the 3rd respondent in rejecting petitioner's appeal petition vide proceedings No.PA/19 (116)14-Dy.CTM(NLR), dt.11-03-2015 by confirming the removal order dt.11-12-2014 issued by the 4th respondent as illegal, arbitrary, unjust, mala fide, discriminatory, non application of mind, contrary to the 'doctrine of legitimate expectation' and the 'doctrine of promissory stoppels', misfeasance, malfeasance, nonfeasance, colourable exercise of powers and also contrary to the Circular of the 1st respondent vide Lr.No./95ba(1)/12-HES, dt.22-09-2012 and also violative of the Sec.185(a) of the Motor Vehicles Act, 1988 besides violative of the Arts.14 & 15 of the Constitution of India; and
- ii) consequently, set aside the proceedings No.PA/19 (116)/14-Dy.CTM(NLR), dt.11-03-2015 of the 3rd respondent in order to allow the petitioner to discharge his duties as usual; and pass such other order or directions."

2. Heard Sri Peeta Raman, learned counsel for the petitioner, and Sri A. Rama Rao, learned Standing Counsel for the respondent-Corporation, apart from perusing the material placed before the Court.

3. According to the petitioner, he was initially

appointed as a driver on 27.05.1996 on casual basis and, subsequently, his services were regularised with effect from 01.08.1997. Followed by a charge sheet and enquiry, the 4th respondent-Depot Manager, vide proceedings No.TYP/114/114(3)/14-KVL dated 11.12.2014, terminated the service of the petitioner. As against the said order of removal passed by the 4th respondent, the petitioner herein preferred appeal before the 3rd respondent on 19.12.2014. The 3rd respondent-appellate authority, vide proceedings No.PA/19(116)/14-Dy.CTM (NLR) dated 11.03.2015, rejected the appeal filed by the petitioner herein. Thereafter, challenging the validity of the said order passed by the appellate authority, the petitioner filed review before the 2nd respondent-Regional Manager on 26.03.2015. According to the petitioner, the said review is still pending consideration before the 2nd respondent and no orders have been passed on the same.

4. Though a number of contentions have been raised by the learned counsel for the petitioner herein, reiterating the affidavit filed in support of the writ petition, since the review application filed by the petitioner herein is pending consideration before the 2nd respondent-Regional Manager, this Court is not inclined to go into the validity of the order of removal, as confirmed by the appellate authority. However, having regard to the nature

of controversy and in the facts and circumstances of the case, this Court is of the considered opinion that the ends of justice would be served, if a direction is given to the 2nd respondent to pass appropriate orders on the review application dated 26.03.2015 filed by the petitioner by fixing some timeframe.

5. For the aforesaid reasons, this writ petition is disposed of, directing the 2nd respondent to pass appropriate orders on the review application dated 26.03.2015 said to have been filed by the petitioner herein against the order of removal dated 11.12.2014 passed by the 4th respondent, as confirmed in appeal by the 3rd respondent by the orders dated 11.03.2015, within a period of two months from the date of receipt of a copy of this order, after giving notice and opportunity of being heard to the petitioner. It is also made clear that the petitioner is entitled to place additional material, if any, if he is advised to do so. No order as to costs.

6. Miscellaneous petitions pending consideration, if any, in the Writ Petition, shall stand closed in consequence.

A.V.SESHA SAI, J

19th April, 2016

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