

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH

-
HON'BLE THE ACTING CHIEF JUSTICE DILIP B.
BHOSALE
AND
HON'BLE SRI JUSTICE S.V. BHATT

-
WRIT APPEAL No. 48 OF 2016

Date: 27.01.2016

Between:

B. Krishna

... Appellant

And

The Andhra Pradesh State Road Transport Corporation,
rep., by its Deputy Chief Traffic Manager,
Rajahmundry, E.G. District, & another.

... Respondents

**HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
HON'BLE SRI JUSTICE S.V. BHATT**

WRIT APPEAL No. 48 OF 2016

PC: (per the Hon'ble the Acting Chief Justice Dilip B. Bhosale)

This appeal is directed against the order, dated 26.11.2015, passed by learned Single Judge dismissing the writ petition filed by the appellant. Writ petition was instituted for declaring the proceedings of the 1st respondent, dated 01.08.2015, communicated through proceedings of the 2nd respondent, dated 03.08.2015, directing the appellant to stop work of contract of cleaning and sweeping of the Rajahmundry Bus Station, as arbitrary, tainted with malice and violative of clause Nos.19, 42 and 41 of Deed of Contract, dated 24.03.2014.

We have heard learned counsel for the appellant and perused the impugned order. It is not in dispute that the contract has been terminated on the ground that the appellant's work was not satisfactory and that the maintenance work that was allotted to him was not done properly. Clauses in the agreement clearly empower the respondents to terminate such contract on this ground with one month's advance notice. The question whether the work of the appellant was satisfactory cannot be gone into writ jurisdiction under Article 226 of the Constitution of India. Since this being a disputed question of fact, learned Single Judge has taken such a view and dismissed the writ petition observing that it is

open to the appellant to approach the civil Court and seek relief of damages for unlawful breach of contract by the respondents. Hence, we do not find any reason to interfere with the view taken by learned Single Judge.

Writ appeal is therefore dismissed.

Miscellaneous petitions, if any, shall also stand dismissed.

DILIP B. BHOSALE, ACJ

S.V. BHATT, J

Date: 27.01.2016

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