

**HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN**

**Writ Petition No.12691 of 2007**

**ORDER:**

The petitioner was engaged as a casual driver with the APSRTC. His name was removed from the selection list of casual drivers on the ground that his rash and negligent driving of the vehicle had caused a fatal accident with a private jeep in which the jeep driver and a passenger died on the spot, and another passenger in the jeep sustained serious injuries. As his performance, as a casual driver, was found not satisfactory, his name was excluded from the selection list of drivers.

On the ground that no enquiry was conducted into these allegations before deleting his name from the selection list, the petitioner invoked the jurisdiction of this Court and, by an order in W.P.M.P.No.15839 of 2007 dated 28.12.2007, this Court, after recording that the assertion made by the petitioner, that no detailed enquiry was conducted before deleting his name from the selection list, was not in dispute, granted interim directions. Pursuant to the interim order, the petitioner continues to remain in service.

Sri S.M.Subhan, Learned Counsel for the petitioner, would place reliance on an order passed by this Court in W.P.No.13612 of 2006 dated 17.07.2006 to contend that, since deletion from the selection list is not an enumerated punishment, the petitioner is entitled to be continued in service.

While no punishment can be imposed, which is not enumerated in the Rules, the fact remains that the action which the respondents took to remove the petitioner's name from the selection list is for the alleged acts of rash and negligent driving which caused the death of two persons, and serious injuries to another. These allegations are grave and serious in nature, necessitating an enquiry being caused in this regard in compliance with principles of natural justice.

Ends of justice would be met if, in view of the fact that the interim order has been in force for the past 9 years, the respondents are directed to continue the petitioner in service till an enquiry is held into these allegations, and action is taken thereafter in accordance with law.

With these observations, the Writ Petition is disposed of. The miscellaneous petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.

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**RAMESH RANGANATHAN, ACJ.**

Date:23.09.2016.

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