

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.22675 OF 2007

O R D E R

The grievance of the petitioner, a Driver in the service of the Andhra Pradesh State Road Transport Corporation (APSRTC), was with regard to his suspension from service under proceedings dated 27.04.2007. This suspension was sought to be effected pending enquiry into the charges levelled against him.

At the time of admission, this Court granted interim suspension of the impugned proceedings and directed the APSRTC to continue the petitioner in service at Udayagiri Depot.

Despite the lapse of nearly a decade, the APSRTC has not chosen to file a counter.

Sri P. Durga Prasad, learned Standing Counsel for the APSRTC, would state that by virtue of the interim order granted by this Court, the enquiry sought to be instituted against the petitioner was also stalled.

This was not the import of the interim direction as the APSRTC was only required to continue the petitioner in service by virtue of the suspension of the proceedings dated 27.04.2007 whereby the petitioner was placed under suspension.

As the petitioner has been continued in service owing to the interim order granted by this Court and the suspension visited upon him by the APSRTC under the proceedings dated 27.04.2007 were not given effect to, this Court is of the opinion that there is no purpose served, in any event, in giving effect to the same at this late stage.

The writ petition is accordingly allowed setting aside the suspension pending enquiry imposed upon the petitioner under the impugned proceedings dated 27.04.2007. This order shall however not preclude the APSRTC from proceeding with the enquiry sought to be initiated against the petitioner on the charges levelled in accordance with the due procedure, if still warranted and viable.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

30th SEPTEMBER, 2016
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SANJAY KUMAR, J

