

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.27427 of 2016

ORDER:

The petitioner was appointed as a driver in the erstwhile A.P.S.R.T.C. While he was working as driver, he contested election for the post of Sarpanch of Chintakunta Grampanchayat of Karimnagar District in the month of July, 2013. He was unsuccessful in the election. He was suspended from service by proceedings dated 03.09.2013, challenging which, the petitioner filed W.P.No.29539/2013. The said writ petition was disposed of with a direction to the petitioner to submit a fresh representation within fifteen days and the respondents were directed to consider the same as one time measure and pass appropriate orders. Thereafter, the petitioner was reinstated as a driver on 23.09.2013, but with a punishment of deferment of one annual increment for a period of two years with cumulative effect. Challenging the said order, he filed an appeal and revision and when the same were rejected by orders dated 30.05.2015 and 25.01.2016 respectively, he filed a review petition before respondent No.2. Respondent No.2 passed an order on 21.03.2016 rejecting the review petition as "Time Barred" with the following observations:

"I have perused all the connected records, it is observed that the Appellate Authority i.e., Dy. CTM: KRMR has issued proceedings on 30.05.2015, but the petitioner has preferred a review petition on 25.01.2016. As per the time limitation prescribed under Reg.23 of APSRTC Employees (CCLA) Regulations, 1967 of the Corporation, the petitioner had to prefer his review petition within two

months from the date of receipt of Dy.CTM's proceedings. But he failed to do so. Thus there is a delay of FIVE MONTHS in preferring the review petition to the reviewing authority.

Therefore treating the Review Petition as TIME BARRED (with out going into the merits of the case). The Review Petition is hereby REJECTED."

It is clear from the above observations made by respondent No.2 that the review petition has to be preferred within two months from the date of receipt of the proceedings of the appellate authority, but the review petition was filed with a delay of five months.

In the circumstances of the case and also keeping in view the nature of punishment imposed on the petitioner, this Court feels that respondent No.2 should entertain the review petition in spite of the delay occurred in the case and consider the same in accordance with law within a period of three (3) months from the date of receipt of a copy of this order.

Accordingly, the impugned order dated 21.03.2016 is set aside and the Writ Petition is allowed at the admission stage after hearing the learned Standing Counsel for the respondents. No order as to costs.

Miscellaneous petitions pending, if any shall stand closed.

A.RAMALINGESWARA RAO, J

31.08.2016
MVA