

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION NO.13189 OF 2016

ORDER:

The petitioner joined the service of the respondents corporation as conductor on 09-09-1989 after undergoing due process of selection. Subsequently, his services were regularized w.e.f. 30-12-1990.

Presently, he has been working in Civil Engineering Section as Technical Assistant. In connection with an incident that occurred while conducting the bus service on

25-08-1997 on route Vattipally-Nagarkurnool, a charge sheet was issued on 02-09-1997, for which, the petitioner submitted an explanation. Thereafter, a final order was passed on 15-11-1997 imposing punishment of deferring annual increment permanently. The present writ petition is filed challenging the said order after 19 years.

2. A counter-affidavit is filed admitting the issuance of charge sheet and passing of final order, dated 15-11-1997. But however, it is pointed out that this Court should not exercise its discretion after 20 years when a challenge is made to the order passed on 15-11-1997.

3. Learned counsel appearing for the petitioner fairly conceded that there was a delay in filing the writ petition and an alternative remedy of appeal is available and he wants to avail the same. He placed reliance on the decisions of this Court in W.P.No.1224 of 2011 and batch, dated 19-11-2015 and W.A.No.117 of 2016, dated 11-03-2016.

4. Learned standing counsel for the respondents placed reliance on the Full Bench Decision of this Court reported in **P.V.NARAYANA V APSRTC, HYDERABAD AND OTHERS** ^[1].

5. In view of the above, the writ petition is disposed of giving liberty to the petitioner to file an appeal to the competent authority within 30 days from the date of receipt of a copy of this order and the appellate authority shall consider the binding decisions of this Court relied on by the learned counsel for the petitioner as well as learned standing counsel for the respondents and pass appropriate orders on the appeal to be preferred by the petitioner and dispose of the same in accordance with law within a period of three months from the date of appeal. No order as

to costs. Miscellaneous petitions, if any pending in this writ petition shall stand closed.

DATED: 28-06-2016
Hsd

A.RAMALINGESWARA RAO, J

[\[1\]](#) 2013 (4) ALD 386 (FB)