

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

WP.No.16245 of 2015

ORDER :

Heard the counsel for petitioner, and Sri S.V. Ramana, learned Standing Counsel for Andhra Pradesh State Road Transport Corporation, for respondents.

2. The petitioner has assailed the order dt.23.04.2014 (**for short, ‘the impugned order’**) of the 2nd respondent denying petitioner salary for the period 17.04.2013 to 17.07.2013.

3. The petitioner herein was employed as a driver in the 1st respondent-Corporation.

4. On an allegation that he did not pick up passengers on 17.04.2013 at the Cinema Centre, Penugonda Village, West Godavari District on the route of Palkollu-Kakinada, he was transferred to Eleswaram Depot of the 1st respondent-Corporation on 22.04.2013.

5. No enquiry was conducted even though the basis of the said transfer appears to be punitive.

6. The petitioner assailed the same in WP.No.13875 of 2013 before this Court. This Court held that no enquiry was conducted by 1st respondent, and the petitioner could not be found fault with since there were excess passengers in the bus when it reached the Cinema

Centre, Penugonda Village, West Godavari District; and that the petitioner be allowed to join his duty in Ramachandrapuram Depot where he was employed prior to the transfer, pending disposal of a representation made by him.

7. In compliance with the order passed by this Court on 14.06.2013 in the said Writ Petition, the petitioner was taken back on duty on 18.07.2013 at Ramachandrapuram Depot.

8. The petitioner then claimed salary for the intervening period from 17.04.2013 to 17.07.2013.

9. By the impugned order dt.23.04.2014, the said salary was denied to petitioner by the 2nd respondent on the ground that petitioner did not work during this period, and so he is not entitled to payment of salary for that period.

10. Firstly, the Writ Petition filed by petitioner in WP.No.13875 of 2013 challenging the order of transfer dt.22.04.2013 was allowed on 14.06.2013, and the order of transfer was set aside. Thereafter, admittedly he was taken back into duty only on 18.07.2013. So, it is not open to respondents to take the plea that petitioner did not work for the period 17.04.2013 to 17.07.2013.

11. Since the order of transfer of petitioner has been held to be illegal by this Court in W.P.No.13875 of 2013, and the said order has not been assailed by the respondents, the Writ Petition is allowed, the impugned order is set aside and respondents are directed to pay salary

to petitioner for the period 17.04.2013 to 17.07.2013. No order as to costs.

12. As a sequel, miscellaneous petitions pending if any in this Writ Petition, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 17-10-2016

Ndr/*

