

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.14276 of 2016

ORDER:

Heard the learned counsel for petitioner and the learned Standing Counsel for respondents.

2. The petitioner was appointed as a Driver in the first respondent Corporation. While so, on 28.08.2008 when he was discharging duty on the route from Banaganapalli to Nandyal while returning from Nandyal to Banaganapalli, he caused an accident resulting in the death of a lady passenger. He was placed under suspension and a charge sheet was issued. In respect of criminal proceedings in C.C.No.585 of 2008, the petitioner was acquitted by the Judicial First Class Magistrate, Nandyal. When the petitioner requested for his reinstatement into service consequent to the acquittal, an order was passed by the second respondent on 03.09.2009 posting him to Koilakuntla. But, the petitioner did not join the duty pursuant to the said order. The petitioner states that he could not join the duty as he had to attend his ailing wife who was suffering with paralysis and later on died. He states that he submitted a representation to the second respondent on 13.04.2011, and when no action was taken, he filed the present writ petition.

3. It is for the writ petitioner to satisfy the authority with regard to the reason for not joining the duty pursuant to the order of the second respondent dated 03.09.2009. This Court cannot decide whether the reason of the petitioner for not joining the duty was proper or not.

4. In the circumstances, liberty is given to the petitioner to submit a representation to the second respondent with the evidence for not joining the duty pursuant to the proceedings of the second respondent dated 03.09.2009, and as and when such a representation is made, the second respondent shall consider the same and pass appropriate orders in accordance with law within a period of four weeks thereafter.

5. The writ petition is, accordingly, disposed of. No order as to costs. Miscellaneous Petitions, if any, pending in this writ petition shall stand closed.

A.RAMALINGESWARA RAO, J

Date: 30.08.2016

TJMR