

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 4950 of 2017

Date : 22.2.2017

Between :

K Rama Swamy S/o K Lachalu
R/o H NO. 1-48, Gajara village,
Nagarkurnool, Mahaboobnagar

Petitioner

And

The Divisional Manager,
APSRTC
Charminar division, Hyderabad and another

Respondents

The Court made the following:



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ORAL ORDER:

Petitioner was appointed as conductor on contract basis in the year 2009. Alleging that he was unauthorisedly absent from 27.6.2009 till the charge sheet was issued on 6.3.2010, charge memo was issued to the petitioner. Later, order of termination on the ground of unauthorized absence was issued on 22.5.2010. Petitioner claims to have filed an appeal against the order of termination on 12.12.2013 and alleging that no decision is made on the said appeal, this writ petition is filed.

It is not in dispute that within a short time after his appointment, petitioner remained absent from duties and that absence was for a long time. For a person who has hardly rendered few weeks of service, absence from duty for more than 9 months, cannot be treated as a minor misconduct or lapse in order to give him any concession or an equitable relief. Even in case of a regular employee, an appeal has to be preferred within two months, whereas, no such appeal was filed for a long time and stated to have been preferred only on 12.12.2013.

Learned standing counsel, on instructions, submitted that respondents have not received the appeal stated to have been filed by the petitioner and that no appeal is pending. That be so, no relief as sought can be granted. It is not a case, where an appeal was filed in time before the competent authority is pending undecided by the competent authority, in order to entertain the writ petition and grant the relief. Thus, this court is not inclined to entertain the writ petition. Accordingly, the writ petition is dismissed. No costs. Having regard to the same, miscellaneous petitions, if any pending, are closed.

P NAVEEN RAO,J

DATE: 22.2.2017
TVK

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