

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.1000 of 2008

ORDER:

Heard learned counsel for the petitioner and learned Standing Counsel for respondents 1 and 2.

2. The petitioner was initially appointed as casual driver and thereafter was selected for the post of Driver Grade-II in Scheduled Caste backlog vacancy. He was not allowed to join duty since the driving licence produced by him was pending verification. In those circumstances, he filed W.P.No.22110 of 1996 and this Court granted interim direction on 18.11.1996 to give posting orders to the petitioner, pending verification of driving licence. He was given posting orders and he joined duty on 18.12.1996. On verification of driving licence, a show cause notice, dated 23.02.1999, was issued terminating the petitioner from service. The petitioner submitted explanation on 04.03.1999. However, in view of pendency of the Writ Petition, no further action was taken. Thereafter, a circular was issued by the then Manager on 28.08.2000 basing on a circular issued by the Vice Chairman and Managing Director on 11.08.2000, giving opportunity to the Drivers, who did not possess proper driving licence, to submit fresh driving licence and produce the same on or before 30.11.2001. The petitioner states that he obtained fresh driving licence and the same was produced before the Regional Manager on 30.11.2001. However, based on the earlier licence, which was not found to be genuine, an order of termination was passed on 18.12.2003. Challenging the same, the petitioner approached the third respondent-Labour Court in I.D.No.49 of 2004 and the Labour Court by its Award, dated 31.07.2006, directed the

respondents to consider the application submitted by the petitioner with a fresh driving licence and give him posting orders as and when vacancy arises. Pursuant to the same, the petitioner was reinstated into service on 29.12.2006. Now the present Writ Petition was filed seeking continuance of service from 18.12.2003 to the date of reinstatement i.e., on 29.12.2006 on the ground that he submitted a fresh driving licence pursuant to the Circular, dated 28.08.2000 and since his services were being continued as on the date of termination i.e., on 18.12.2003, the Labour Court should have ordered for counting the service from the date of termination i.e., on 18.12.2003 to the date of reinstatement i.e., on 29.12.2006.

3. Learned counsel for the petitioner based his argument on the new driving licence submitted already before the authorities on 30.11.2001. But, the said fact was brought to the notice of the Labour Court while deciding ID.No.49 of 2004. However, when the petitioner pleaded such a case before the Labour Court, the Labour gave a direction to consider the application, because the petitioner was already working by the date of termination on the basis of new licence. The Labour Court took the said fact into consideration in the following terms:

“However, undisputedly a circular was issued by the corporation dated 20.08.2000 calling for production of fresh driving licence by the drivers, whose driving licence was found to be non genuine and removal from service on that ground, were being considered for fresh appointment. As per this circular the driving licence should be produced by 30.11.2001. The cross examination of MW1 would clearly show that the petitioner also submitted a fresh licence issued by RTO, Srikakulam. In pursuance of that circular, but he explained that the employees, who approached the court were not considered for reappointment on the basis of circular. Admittedly, no intimation to that effect was given by the

corporation nor was he advised to withdraw the claim. When it is shown that within the stipulated period, the petitioner submitted a fresh driving licence in response to the circular issued, it would be just and proper that he should be reappointed on the basis of the fresh licence produced, however, subject to verification of genuineness of this fresh licence.”

4. Thus, the Labour Court has not decided the issue relating to continuance of petitioner by virtue of new driving licence, but it has considered the ground for termination of service on 18.12.2003. Obviously, the petitioner did not possess proper driving licence at the time of initial appointment and in spite of his submitting explanation on 04.03.1999, no action has been taken against the petitioner till 18.12.2003 in view of pendency of W.P.No.22110 of 1996. It appears that the said writ petition was disposed of only on 18.07.2001 as could be seen from Ex.M.11 filed before Labour Court.

5. In the circumstances, this Court sees no ground to interfere with the Award passed by the Labour Court.

6. The Writ Petition is, accordingly, dismissed. Miscellaneous petitions, if any, pending in this Writ Petition shall stand closed. There shall be no order as to costs.

A.RAMALINGESWARA RAO, J

DECEMBER 05, 2017

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THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO



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Date: 05.12.2017

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