

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.2020 of 2010

Date: 31.01.2017

Between:

Mr. M.Ramanaiah, S/o. Siddaiah,
Occu: Driver, E.504162, Age: 50 years,
r/o. C/o. # 1-1336, Kotapally Road, Piler,
chittoor District and others.

.....Petitioners

and

The Andhra Pradesh State Road Transport
Corporation, Piler Depot, rep.by its Depot
Manager, Piler, Chittoor District.

.....Respondent



The Court made the following:

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ORDER:

This writ petition is filed praying to grant the following relief:

“To issue an order, direction or writ more particularly one in the nature of writ of Mandamus declaring the action of the respondent in allotting TIM service chart duties to the petitioners in counselling held on 20.01.2010 contrary to its own circular, as illegal, arbitrary, unjust unfair labour practice besides violative of Art. 14, 16 & 21 of the Constitution of India and consequently direct the respondent not to allot TIM Service duty chart to the petitioners and also direct the respondent to allot duty chart to the petitioners as per their seniority.”

2. In this writ petition, petitioners are aggrieved by the entrustment of Ticket Issuing Machine Service (TIMS) to drivers, which would ordinarily be discharged by the Conductors.

3. When the matter is taken up for consideration, learned counsel for petitioners submits that the issue in the writ petition is covered by the decision of learned single Judge of this Court in **C.G.Swamy and another v. APSRTC, Hyderabad and others¹**. Learned single Judge of this Court directed the respondents not to insist petitioners and other drivers to perform dual job of drivers and conductors with TIMS.

4. Learned standing counsel submits that the decision of single Judge was challenged in Writ Appeal No.954 of 2012 and in Writ Appeal leave of the Court was sought to give effect from the provisions contained in Section 29(2) of the Motor Vehicles Act, 1988, which was granted. Accordingly, vide G.O.Ms.NO.21

¹ 2012 (3) ALD 494

Transport, Road & Buildings (TR.I) Department, dated 24.04.2015, amendments to Andhra Pradesh Motor Vehicles Rules, 1989, were notified. Amended provision enables the respondent-Corporation to entrust the responsibility of TIMS to the drivers.

5. Bare perusal of the notification placed before this Court would show that it is not given retrospective effect. This writ petition was instituted on 02.02.2010 and till the time notification was issued amending the rules, the principle laid down by this Court in **C.G.Swamy** holds good and, therefore, the prayer as sought for in this writ petition has to be granted. Accordingly, writ petition is allowed following the judgment of this Court in **C.G.Swamy**. However, this order do not come in the way of application of amended Rules, 1989, as notified in the order dated 24.04.2015.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

JUSTICE P.NAVEEN RAO

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