

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
&
THE HON'BLE SRI JUSTICE M.S.K.JAISWAL

WAMP No.1610 of 2017
&
WRIT APPEAL No.822 of 2017

DATE:- 22-08-2017

Between:

The Depot Manager,
TSRTC, Kukatpally Depot
Hyderabad

..... APPELLANT

AND

S.Jawaharlal

.....RESPONDENT

COUNSEL FOR THE APPELLANT : Sri N.PRAVEEN REDDY
For Sri N.VASUDEVA REDDY
(SC for APSRTC)

COUNSEL FOR RESPONDENT : Sri V.NARASIMHA GOUD



THE COURT MADE THE FOLLOWING:

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
&
THE HON'BLE SRI JUSTICE M.S.K.JAI SWAL

WAMP No.1610 of 2017
&
WRIT APPEAL No.822 of 2017

JUDGMENT: (per Hon'ble Sri Justice C.V.Nagarjuna Reddy)

This writ appeal is filed with a delay of 1171 days. In the affidavit filed in support of the application for condonation of delay, the Law Officer of the appellant Corporation, *inter alia*, averred that though the writ petition was disposed of on 05.12.2013, the then Standing Counsel has not applied for the certified copy of the order, and as such, the Corporation is not aware of the disposal of the writ petition, that the fact of disposal of the writ petition came to be known to the Corporation when the standing counsel raised the fee bill on 10.06.2014, that immediately a decision was taken to file an appeal and also to reinstate the workman into service, and that accordingly, vide letter, dated 20.06.2014, the Regional Manager, Secunderabad Region was requested to reinstate the workman. The main cause pleaded for the delay is the bifurcation of the Road Transport Corporation, pendency of legal cases and their segregation between the two Corporations.

On their own showing, the appellant came to know about the disposal of the writ petition on 10-06-2014, and that immediately they have issued reinstatement order to respondent No.1. This being so, we do not find any reason whatsoever for the appellant to not file appeal simultaneously when the order for reinstatement of respondent No.1 was issued.

In our opinion, bifurcation of Corporation appears to be a ruse to justify the enormous delay which otherwise went unexplained with proper reasons. Hence, we are not convinced with the explanation offered by the appellant for the inordinate delay in filing of the appeal.

Even on merits also, we do not find any reason to interfere with the order of the learned single Judge, who, on consideration of the material on record, rendered specific finding that the charges against respondent No.1 are not proved with reasonable certainty. While directing the reinstatement of respondent No.1, the learned single Judge has denied monetary benefits to him for the period during which he was out of service. As per the averments in the affidavit filed in support of the condone delay application, respondent No.1 was reinstated into service in the month of June, 2014 itself, and in pursuance of the said reinstatement, respondent No.1 is being continued as driver.

In the above facts and circumstances of the case, we do not find any merit in WAMP.No.1610 of 2017 and also in the writ appeal. WAMP No.1610 of 2017 is dismissed and Writ Appeal is rejected. No order as to costs.

As a sequel to dismissal of the writ appeal, WAMP.Nos.2185 & 1609 of 2017, filed by the appellant, for amendment of the affidavit, and for interim relief, shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY,J

M.S.K.JAI SWAL,J

Date: 22.08.2017
Dsr