

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.NO.22602 OF 2003

O R D E R

Vide proceedings No.E1/1(80)/98-GVT.1 dated 08.03.1999 of the 3rd respondent – Depot Manager, petitioner, who has been working as Conductor in the Governorpet- I Depot of the Andhra Pradesh State Road Transport Corporation, was removed from service on the ground of unauthorized absence, habitual and irregular attendance. Against the said proceedings, petitioner preferred appeal and the 2nd respondent – Regional Manager, who is the appellate authority, vide proceedings No.PA/19(40)/99-dy.CTM (U) Department dated 28.07.1999, while confirming the findings of the primary authority, took a lenient view and ordered for reinstatement of the petitioner into service as fresh Conductor Grade – II. Aggrieved by the action of the 2nd respondent in not awarding continuity of service from the date his removal on 08.03.1999 and other consequently benefits, the present writ petition has been filed.

2. Learned counsel for the petitioner submits that imposing punishment of appointing the petitioner as a fresh conductor, is not one of the punishments specified under Regulation 8 of the Andhra Pradesh State Road Transport Corporation Employees' (Classification, Control and Appeal) Regulations, 1967 (for short 'the Regulations'). Therefore, imposing the impugned punishment, is in violation of the Regulations. He submits that a learned single Judge of this court in W.P.No.14966 of 2003 dated 20.09.2013, following the Division Bench judgment of this court in

*K.C.NARAYANA vs. MANAGING DIRECTOR, APSRTC*¹ held that imposition of the penalty of appointment as a fresh candidate is not permissible, as violative of the Regulations and accordingly set aside the same. In similar circumstances, in W.P.No.16439 of 2003 dated 12.11.2013, following the earlier decisions, learned single Judge of this court, imposed the penalty of reinstatement with continuity of service, but without back wages from the date of removal. Learned counsel for the petitioner submits that similar order may be passed in the present writ petition.

3. Sri R.Madanohan Reddy, learned Standing Counsel for the respondent – Corporation, could not dispute the above decisions of this court, relied on by the learned counsel for the petitioner.

4. Having regard to the facts and circumstances of the case and the submissions of the learned counsel and the decisions of this court referred to above, impugned order of the 2nd respondent dated 28.07.1999, to the extent of reinstatement of the petitioner into service as a fresh conductor Grade – II, is set aside and the 2nd respondent is directed to reinstate the petitioner into service with continuity of service and attendant benefits. However, the petitioner shall not be entitled to back wages during the period he was out of employment.

5. Writ petition is accordingly disposed of. Miscellaneous petitions pending, if any, shall stand closed. No costs.

ABHINAND KUMAR SHAVILI, J

DATE: 07—09—2018
AVS

¹ 2007(5) ALD 416