

**HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI**

**WRIT PETITION No. 23854 of 2007**

**ORDER:**

Heard Sri P.Govindarajulu, learned counsel for the petitioner and learned Standing Counsel for TSRTC appearing on behalf of the respondents.

It has been contended by the petitioner that he was appointed as Driver in the respondent-Corporation. While so, on the allegation that he caused an accident on 06.06.2000, a charge sheet was issued to him on 18.01.2001, for which he submitted his explanation, but, the disciplinary authority, without considering his explanation, ordered departmental enquiry into the charge leveled against him. After conducting the departmental enquiry and initiating departmental proceedings, the disciplinary authority had removed him from service vide orders dated 14.06.2001. Aggrieved thereby, he preferred an appeal and the same was partly allowed vide orders dated 24.11.2001 appointing him as fresh driver Grade-II and the same was confirmed by the reviewing authority vide orders dated 03.01.2002. Aggrieved by the denial of continuity of service, back wages and other attendant benefits, the present writ petition is filed.

The counsel for the petitioner has contended that the appellate authority had modified the order of removal contrary to the regulations governing employees of the Corporation and as the regulations did not provide the imposition of punishment of appointment as Driver afresh, no such punishment could have been

imposed. To strengthen his argument, he relied upon a judgment of this Court in ***K.C.NARAYANA v. MANAGING DIRECTOR, APSRTC, HYDERABAD AND OTHERS***, wherein it is held as under:

*“In view of the judgment of the Supreme Court in T.J.Paul’s case (supra), the earlier judgments of this Court taking a contrary view must be held no longer as good law and as a result the impugned order of the reviewing authority, appointing the petitioner as a conductor afresh, must necessarily be set aside and the matter remanded to the 2<sup>nd</sup> respondent for his consideration on the question of penalty.*

*The impugned order of the 2<sup>nd</sup> respondent is, accordingly, set aside, and he is directed to examine the records and determine the appropriate punishment to be imposed on the petitioner strictly in accordance with the A.P.S.R.T.C. Employees (Classification, Control and Appeal) Regulations, 1967, within a period of four months from the date of receipt of a copy of this order. Needless to state that, since the petitioner has been continuing pursuant to the earlier order of the Reviewing Authority to appoint him afresh as a Conductor, status quo as on today shall continue till final orders are passed by the 2<sup>nd</sup> respondent on the punishment to be imposed on the petitioner herein.”*

Per contra, the Standing Counsel for the respondent-Corporation has contended that taking a lenient view, the appellate authority had directed reinstatement of the petitioner as Driver afresh and that can never be treated as arbitrary and illegal and the same cannot be challenged in the Court of law.

I have considered the submissions made by the learned counsel for the parties and perused the record as well as the judgment of this Court relied upon by the learned counsel for the petitioner. I am of the considered view that the writ petition can be disposed of in terms of the judgment of this Court cited supra. The impugned order passed by the appellate authority is, accordingly, set aside and the matter is

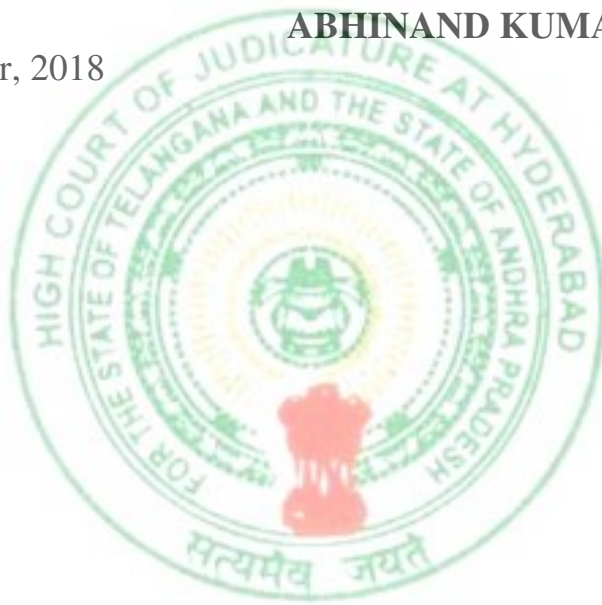
remanded back to the appellate authority with a direction to examine the records and determine the appropriate punishment to be imposed on the petitioner, in accordance with the regulations of the Corporation, within a period of four weeks from the date of receipt of a copy of this order.

The writ petition is accordingly disposed of. There shall be no order as to costs. Miscellaneous petitions pending, if any, shall stand closed.

12<sup>th</sup> December, 2018  
cbs

---

**ABHINAND KUMAR SHAVILI, J**



HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI



Writ Petition No.23854 of 2007  
(disposed of)

12<sup>th</sup> December, 2018

cbs