

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.29772 OF 2015

ORDER:

1. This writ petition is filed seeking to issue a Writ of Mandamus declaring the order in appeal dated 2.8.2011 passed by the 4th respondent and confirmed by the 3rd respondent in revision vide order dated 31.5.2012 to the extent of ordering the re-engagement of the petitioner, without continuity of service and without regularizing the services of the petitioner from 1.9.2010, as arbitrary and contrary to APSRTC Employees" Recruitment Regulations, and consequently, to direct the respondents to reckon the order dated 13.6.2014 as regularization with effect from 1.9.2010 instead of 1.5.2014, by treating the reinstatement of the petitioner with continuity of service.

2. Heard Sri A.G. Satyanarayana Rao, learned Counsel for the petitioner and Sri S.V. Ramana, learned Standing Counsel for the Corporation.

3. It has been submitted by the petitioner that as a measure of punishment for his proven misconduct, he was terminated from service vide order dated 17.5.2011 and challenging his termination order, he preferred appeal dated 24.5.2011 before the 4th respondent and the 4th respondent-appellate authority considered the appeal, took a lenient view and ordered vide order dated 2.8.2011 that the petitioner should be reinstated as a fresh appointee, and challenging the order of the 4th respondent to the extent of ordering his appointment afresh, the petitioner filed a revision before the 3rd respondent. The 3rd respondent-Revisional Authority rejected his case on 31.5.2012, and subsequently, the services of the petitioner were regularized with effect from 1.5.2014. It has been further submitted by the petitioner that he has filed a review petition

before the 2nd respondent on 5.1.2014 for re-consideration of his case and the 2nd respondent has not taken any action to consider his review.

4. After arguing for some time, the learned Counsel for the petitioner submits that the review petition filed by the petitioner before the 2nd respondent dated 5.1.2014 can be directed to be disposed of.

5. The learned Standing Counsel for the Corporation contends that there is no irregularity and illegality in the order of the 4th respondent and in fact, the 4th respondent-appellate authority took a lenient view and modified the punishment of removal to that of fresh appointment and the same was confirmed by the 3rd respondent-revisional authority and therefore, no interference is called for from this Court.

6. I have considered the submissions made by the parties. The petitioner filed a review petition before the 2nd respondent and the said review has not been considered so far. In the circumstances, without expressing any opinion on merits of the case, this Court feels that ends of justice would be met if the 2nd respondent is directed to consider the review filed by the petitioner.

7. Accordingly, the 2nd respondent is directed to consider the review petition dated 5.1.2014 filed by the petitioner and pass appropriate orders, within a period of four weeks from the date of receipt of a copy of this order. It is always open to the 2nd respondent to pass orders on merits, and he can either reject the case of the petitioner or consider the relief sought by the petitioner.

8. With the above direction, the Writ Petition is disposed of. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

(ABHINAND KUMAR SHAVILI,J)

19th April, 2018

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