

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.25828 OF 2017

ORDER:

1. This writ petition is filed seeking to issue a writ of mandamus declaring the inaction of the respondents in considering the representation of the petitioner dated 17.5.2017 for his re-engagement into duties as contract driver, as illegal and arbitrary, and consequently, to direct the respondents to consider the case of the petitioner for re-engagement into duty.

2. Heard Sri G. Rajesh, learned Counsel for the petitioner and Sri N. Vasudeva Reddy, learned Standing Counsel for TSRTC.

3. It has been submitted by the learned Counsel for the petitioner that the petitioner was initially appointed as driver on contract basis in the year 2010 in pursuance of the recruitment notification issued by the respondent-Corporation, and that after rendering considerable length of service, the petitioner availed medical leave as he was suffering with jaundice and after recovery from the said ill-ness, he reported to duty along with medical certificate, but the 3rd respondent without considering the medical certificate and without conducting any enquiry, straightaway terminated the services of the petitioner vide proceedings dated 4.3.2011, and thereafter, the petitioner made series of representations to the authorities concerned to consider his case for re-engagement and his latest representation is dated 17.5.2017. Further, it has been submitted by the learned Counsel for the petitioner that the respondents have not passed any orders on the representation of the petitioner dated 17.5.2017 and the same is pending with the authorities concerned.

4. Sri N. Vasudeva Reddy, learned Standing Counsel for the respondents submits that the petitioner was terminated way back in the year 2011 and thereafter, he had not submitted any representations and after six years, the petitioner submitted a representation on 17.5.2017 and that the contention of the petitioner that no enquiry was conducted, is false, and that the respondent-Corporation conducted a regular enquiry and for proven misconduct only, the petitioner was terminated from service.

5. I have considered the rival submissions. Since the latest representation submitted by the petitioner is still pending with the respondents concerned, a direction may be given to the respondents concerned to dispose of the same.

6. Accordingly, the respondents concerned are directed to consider the representation of the petitioner dated 17.5.2017 and pass appropriate orders, within a period of eight weeks from the date of receipt of a copy of this order.

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

Justice Abhinand Kumar Shavili

Dated: 4.1.2018
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