

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 20865 of 2011

ORDER:

This writ petition is filed seeking to issue a writ of mandamus declaring the action of the respondents in not allotting duties to the petitioner without there being any pendency of departmental proceedings and in not considering his representation dated 10.08.2010 seeking to re-engage and allot him duties, as illegal and arbitrary.

Heard Sri S.M. Subhan, learned counsel for the petitioner, and Sri A. Rama Rao, learned standing counsel for APSRTC appearing on behalf of the respondents.

It has been contended by the petitioner that he was appointed as Driver on contract basis in the respondent corporation on 20.03.2008. Subsequently, as he could not attend duty from 22.05.2009 owing to ill-health and personal problems, the respondents have disengaged him from service without assigning any reasons. His grievance is that though he submitted a representation dated 10.08.2010 requesting the respondents to re-engage and allot him duties, they have not passed any orders thereon so far.

Learned standing counsel for the respondents has contended that within six months from the date of joining as contract driver, the petitioner was absent from duty without applying any leave

application. Therefore, the tenure of contract period of the petitioner was not extended and when once the tenure of contract period came to an end, the question of re-engaging the petitioner would not arise.

Having considered the submissions made by the parties and perused the record, this Court is of the considered view that since the representation submitted by the petitioner dated 10.08.2010 is still pending consideration, the petitioner is at liberty to submit a fresh representation to the respondents within two weeks from the date of receipt of a copy of this order, and upon receiving such representation, the respondents shall consider the case of the petitioner for engaging him as fresh driver and pass appropriate orders, in accordance with the rules and subject to medical fitness, within four weeks thereafter.

With the above observation, the writ petition is disposed of. Consequently, miscellaneous petitions, if any, pending in the writ petition shall stand closed. No order as to costs.

ABHINAND KUMAR SHAVILI, J

3rd October, 2018
cbs

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(disposed of)

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