

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.2092 OF 2007

ORDER (ORAL):

This Writ Petition has been filed seeking a Writ of *Mandamus* declaring the action of the respondents in terminating the service of the petitioner as illegal, arbitrary, unjust and consequently to set aside the proceedings dated 09.01.2004 passed by respondent No.2 and also the proceedings of respondent No.1 dated 06.10.2004, and to direct the respondents to reinstate the petitioner into service with continuity of service and backwages.

2. Heard Sri G. Ravi Mohan, learned counsel for the petitioner, and Sri A. Rama Rao, learned standing counsel for the respondents - Andhra Pradesh State Road Transport Corporation, and perused the material on record.

3. It has been contended by the petitioner that he was appointed as a conductor and he was further promoted as superintendent. While he was working as Superintendent, the respondents have initiated disciplinary proceedings against him for unauthorized absence and after conducting a detailed enquiry, the disciplinary authority has imposed punishment of removal from service vide proceedings dated 09.01.2004. Thereafter, he preferred an appeal and the appellate authority confirmed the same vide proceedings dated 06.10.2004. Challenging the same, the present writ petition is filed.

4. The learned counsel for the petitioner contends that the petitioner has attained the age of superannuation during the pendency of this writ petition and the relief of reinstatement into service sought for by the petitioner cannot be granted now. However, the learned counsel contends that service benefits, for the service rendered by the petitioner, for the period prior to his removal, if not already paid, may be directed to be paid. The learned standing counsel appearing for the respondents has also not disputed the contention of the learned counsel for the petitioner.

5. In view of the above, the respondents are directed to release terminal benefits to the petitioner for the service rendered by him for the period prior to his removal, if not already paid, within a period of four (4) weeks from the date of receipt of a copy of this order.

6. With the above directions, the Writ Petition is disposed of. There shall be no order as to costs.

As a sequel thereto, Miscellaneous Petitions, if any, pending in this Writ Petition stand closed.

ABHINAND KUMAR SHAVILI, J

November 6, 2018.
PV