

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.31675 OF 2018

Dated:07.09.2018

Between:

K. Hanumanthu, S/o. K. Krishnaiah,
Aged about 48years, Occ: Conductor in
TSRTC, E.No.270830, Parigi Depot,
R/o.H.No.10-43, Padmavathi Colony,
Balaji Nagar, Parigi, Ranga Reddy
District, Telangana State

.. Petitioner

And

The Telangana State Road Transport
Corporation (TSRTC), rep., by Depot
Manager, Parigi Depot, Ranga Reddy
District

.. Respondent



The Court made the following:

THE HON'BLE SRI JUSTICE P. NAVEEN RAO**WRIT PETITION No.31675 OF 2018****ORDER:**

Heard learned counsel for the petitioner and learned Government Pleader for the respondent - Corporation.

2. Petitioner is working as Conductor in the respondent - Corporation. On an application submitted by him earlier, by order dated 27.04.2018, he was granted Earned Leave from 24.03.2018 to 23.06.2019. This order is now recalled by the Executive Director vide his proceedings dated 03.08.2018, which was communicated to the petitioner by the Depot Manager vide his proceedings dated 03.08.2018 and directed the petitioner to report to duty. Further orders were served on the petitioner asking him to report to duty otherwise it would be treated as absenteeism. Challenging the order of recalling the leave earlier granted, this Writ Petition is filed.

3. Though an employee is entitled to apply leave, no manner of right is vested in him to seek leave as a matter of course. It is also open to the employer to cancel the leave already granted and to direct him to report to duty. Regulation 5 of the respondent - Corporation Employees (Leave) Regulations, 1963 vests power in the competent authority to recall the leave already granted and direct the employee to report to duty. Therefore, the order of the Executive Director, which is now communicated to the petitioner, is in accordance with the Regulation 5 of the Regulations. Therefore, I do not see any illegality in the order of recalling the leave already granted to the petitioner.

4. At this stage, learned counsel for the petitioner submits that there are genuine problems which petitioner is facing and he requires a longer leave and he ought to have been continued on leave. As of now, petitioner has not made any representation to the Executive Director or higher authority requesting to grant further leave, but straight away filed this Writ Petition.

5. As noted above, as no manner of right is vested to seek continuation of leave, more so for such a long period and Regulation 5 of the Regulations vests power in the competent authority to recall him and to direct him to report to duty, it is open to the petitioner to make an appropriate application to the competent authority or higher authority ventilating his problems and eliciting favourable decision to continue him on leave. Granting such leave, the Writ Petition is dismissed. Pending Miscellaneous Petitions, if any, shall stand closed.

Date:07.09.2018

KH

P. NAVEEN RAO, J