

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION Nos.35448, 35534 & 35657 OF 2018

DATED :12.10.2018

W.P.No.35448 of 2018

Between :

Shaik Sakeem S/o.Akbar Ali,
Aged about 58 yrs, Occu : Retired AMVI,
H.No.9-4-86/306, Salarjung Colony,
Tolichoki, Hyderabad

..

Petitioner

And

State of Telangana,
Rep., by it Principal Secretary to Government,
Transport, Roads and Buildings (Ser.IV) Department,
Telangana Secretariat, Hyderabad & another.

..

Respondents



This court made the following :

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION Nos.35448, 35534 & 35657 OF 2018

COMMON ORDER :

Heard learned counsel for the petitioners and learned Special Government Pleader for Transport (TG) for the respondents.

2. In all these writ petitions, petitioners challenge the order of reversion from the cadre of Assistant Motor Vehicles Inspectors. Several contentions are urged. Primarily it was contended that the order was not preceded by notice and opportunity and the order reflects as if a decision was already taken by the Government and it is only a consequential action taken by the Transport Commissioner. Further, petitioners already retired from service and the order of reversion is made after their retirement.

3. Learned Special Government Pleader appearing for the respondents would submit that on review of the orders passed reverting the petitioners, a decision was taken to withdraw the proceedings. However, learned Special Government Pleader seeks leave of the Court to withdraw the orders and to take further course of action, as warranted by law, by following the due procedure.

4. The Court also noticed that the order was apparently passed as a consequential to decision taken by the Government without independent application of mind.

5. Having regard to the above, the following order is passed :

- (i) The orders impugned are set aside.
- (ii) However, liberty is granted to the respondents to take appropriate proceedings as warranted by law, with reference to the issue involved. The respondents shall follow due procedure, afford due opportunity to the petitioners and on due consideration of the objections filed by petitioners, a reasoned order shall be passed.
- (iii) As the order of Transport Commissioner reflects a step taken in consequence to the directions issued by the Government, in the event of Transport Commissioner deciding to take further course of action, he has to independently examine the objections and take independent decision uninfluenced by directions issued by the Government earlier which resulted in passing the impugned orders.

6. It is made clear that all the contentions raised in the writ petitions are preserved and it is open to the petitioners to raise all objections, as available in law, as and when a show cause notice is issued to them and in any further proceedings that may be warranted.

7. With the above directions, the Writ Petitions are allowed. Pending miscellaneous petitions shall stand closed.

12th October, 2018
Rds

P.NAVEEN RAO,J