

HON'BLE SRI JUSTICE SANJAY KUMAR  
AND  
HON'BLE SRI JUSTICE M.GANGA RAO

WRIT APPEAL No.844 of 2012

JUDGMENT: (per Hon'ble Sri Justice Sanjay Kumar)

The appellant is the petitioner in Writ Petition No.16494 of 2006 which was dismissed by a learned Judge of this Court, *vide* order dated 30.9.2011. His prayer therein was to declare the action of the erstwhile Andhra Pradesh State Road Transport Corporation (APSRTC) and its authorities at Hyderabad and Secunderabad in insisting upon his executing a contract service agreement as a driver in its service as illegal and arbitrary on the ground that the same was in violation of Circular No.PD.43/2000 dated 11.8.2000 and the order dated 22.02.2006 of this Court in Writ Petition No.15326 of 2005. A consequential direction was sought to the respondents to take him back on duty on par with similarly situated persons.

By the order dated 30.9.2011, the learned Judge held that a cumulative reading of the circular instructions did not reflect that the insistence of the erstwhile APSRTC that the petitioner execute a contract service agreement was contrary to the order of this Court dated 22.02.2006 in Writ Petition No.15326 of 2005 or the circular instructions dated 11.8.2000. The learned Judge accordingly dismissed the Writ Petition leading to the filing of this Appeal.

Sri P.Venkateshwer Rao, learned counsel for the appellant/writ petitioner, would state before this Court that the appellant/writ petitioner is now willing to accept the contract

appointment as a driver in the service of the present Telangana State Road Transport Corporation (TSRTC), the successor-in-interest of the erstwhile APSRTC in the state of Telangana.

Sri N.Praveen Kumar, learned counsel representing Sri N.Vasudeva Reddy, learned Standing Counsel for the TSRTC, would fairly state that the instructions in Circular No.PD.43/2000 dated 11.8.2000 are still in operation and in terms of Clause-3 thereof, the action to be taken in cases of drivers already removed from service for being in possession of non-genuine driving licences is still in vogue.

Perusal of the order dated 22.02.2006 passed by this Court in Writ Petition No.15326 of 2005 demonstrates that this Court took note of the fact that the appellant/writ petitioner had produced a fake driving licence, but thereafter secured a fresh genuine driving licence and therefore his case requires to be considered as per the aforestated Circular dated 11.8.2000.

When the erstwhile APSRTC offered the appellant/writ petitioner contract appointment on the strength of the aforestated order and the circular instructions dated 11.8.2000, he was not willing to accept the same and filed Writ Petition No.16494 of 2006. However, as he emerged unsuccessful in the said Writ Petition and as Sri P.Venkateshwer Rao, learned counsel, would state that the appellant/writ petitioner is now willing to accept the contract appointment offered in terms of the circular instructions dated 11.8.2000, the Writ Appeal is disposed of directing the TSRTC and

its officials, the respondents herein, to consider the case of the appellant/writ petitioner for contract appointment as a driver on the strength of his fresh genuine driving licence and subject to his being medically fit for such contractual appointment. This exercise shall be completely expeditiously and in any event, not later than eight weeks from the date of receipt of a copy of this order.

Pending Miscellaneous Petitions, if any, shall stand closed in the light of this final order. No order as to costs.

*19<sup>th</sup> December, 2018*  
*Note:*  
*Issue CC by 24.12.2018.*  
*B/o*  
*DR*



*JUSTICE SANJAY KUMAR*

*JUSTICE M. GANGA RAO*