

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILU

WRIT PETITION No.3855 of 2019

ORDER:

This writ petition is filed seeking the following relief :-

“.....to issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus to declare the action of the 2nd Respondent in issuing the impugned Order dt.30.03.2018 bearing No.PA/ 19(82)/ 2017-ED (A) in so far reappointing the petitioner into service as a fresh Conductor by losing his entire service without any authority not stipulated in regulations and contrary to the APSRTC (Employees CCA) as being illegal, arbitrary and unjust and contrary to Rules 1967 as being illegal, arbitrary and unjust and consequently direct the respondents to grant continuity of service, attendance and other consequential benefits in view of the Judgment reported in 2007 (5) ALD Page No 416”.

Heard Mr.G.Rajesh, learned counsel for petitioner and the learned Government Pleader for Services-II.

It has been contended by the petitioner that the respondents have initiated disciplinary proceedings against the petitioner and the disciplinary authority imposed punishment of removal. Aggrieved thereby, the petitioner has preferred an appeal and the appellate authority had also confirmed the order of removal. Further aggrieved thereby, the petitioner has preferred a review and the review was also rejected. Thereafter, the petitioner has filed a mercy petition before the 2nd respondent and the 2nd respondent was pleased to interfere with the order of removal vide order dated 03.03.2018 and was pleased to grant the relief in favour of the petitioner directing that the petitioner be reinstated into service as conductor afresh.

Learned counsel for petitioner contended that re-appointing the petitioner as conductor afresh is contrary to the Regulations. He further contended that the issue raised in this writ petition is squarely covered by the judgment rendered by this Court in *K.C.NARAYANA v. MANAGING DIRECTOR, APSRTC, HYDERABAD AND OTHERS*¹ and contends that the matter be remanded to the 2nd respondent for consideration afresh with a direction to the 2nd respondent to impose any punishment as set out in the Regulations, other than dismissal, removal and compulsory retirement.

Learned Standing Counsel appearing for the respondents has not disputed the submission made by the learned counsel for petitioner and contends that the matter be remanded to the 2nd respondent in terms of the aforesaid judgment.

This Court, having considered the rival submissions, remands the matter to the 2nd respondent for consideration of the petitioner's case afresh to impose any other penalty as set out in the Regulations, other than dismissal, removal and compulsory retirement and pass appropriate orders in accordance with the Regulations.

With the above observations, the writ petition is disposed of.
No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

Date: 25-02-2019
Prv

¹ 2007 (5) ALD 416

