

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.36982 of 2014

ORDER

This writ petition is filed seeking the following relief:

“....to issue a writ, order or directions more in the nature of Writ of Mandamus declaring the office order dated 24.11.2005 passed by the 2nd respondent herein in deleting name of the petitioner from the panel of daily wage drivers of Karimnagar Region is as illegal, arbitrary and violation of principles of natural justice and set aside the same and further direct the respondents to re-engage the petitioner as Driver on daily wage basis and pass such other order or orders in the interest of justice as otherwise the petitioner may suffer irreparable loss and hardship.”

Heard Sri P.Govindarajulu, learned counsel appearing for the petitioner and Sri A.Ravi Babu, learned Standing Counsel appearing for the respondent-Corporation.

It is the case of the petitioner that he was appointed as Driver on daily wage basis in the respondent-Corporation during 2000. While so, the respondent-Corporation disengaged him *vide* order dated 24.11.2005 on the ground that he had unauthorizedly absented to duty for certain period during 2005. Challenging the same, the present writ petition is filed.

Learned counsel appearing for the petitioner contended that due to his ill-health, the petitioner has absented to his duties. Without ascertaining the difficulties of the petitioner, the respondents have passed the order dated 24.11.2005 deleting his name from the panel of daily wage drivers. It is further contended that though the petitioner has been making repeated requests to consider his case for re-engagement, the respondent-Corporation has not yet considered it so far. It is prayed that appropriate orders be passed directing the respondent-Corporation to consider the case of the petitioner for re-engaging him as daily wage driver in any of the existing vacancies.

Learned Standing Counsel appearing for the respondent-Corporation contended that since the petitioner has challenged the order dated 24.11.2005 after lapse of more than one decade, the writ petition itself is not maintainable and the same is liable to be dismissed only on the ground of delay and laches. It is further contended that the respondent-Corporation would consider the case of the petitioner only if he submits a representation afresh to the Corporation and pass appropriate orders, in accordance with law.

Having considered the rival submissions made by the learned counsel on either side, this Writ Petition can be

disposed of directing the petitioner to submit a representation afresh within a period of two weeks from the date of receipt of a copy of this order staking his claim for re-engagement as daily wage Driver in any of the existing vacancies. On receipt of such representation, the respondent-Corporation shall consider and pass appropriate orders thereon, in accordance with law, within a period of eight weeks thereafter.

Accordingly, the Writ Petition is disposed of. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

24th September, 2019
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