

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.30008 of 2017

ORDER:

This Writ Petition is filed seeking a Writ of Mandamus declaring the action of the respondents in not issuing posting orders as Contract Conductor to the petitioner, even though she completed training as Conductor in 4th respondent depot, as arbitrary, illegal and violative of principles of natural justice and sought a consequential direction to the respondents to issue the posting orders to the petitioner as Contract Conductor.

2. Heard Sri Rudresh Deshpande, learned counsel for the petitioner and Sri A.Ravibabu, learned Standing Counsel for TSRTC, appearing for the respondents.

3. Petitioner contends that she is fully eligible and qualified to be appointed as Conductor and the respondents have appointed her as a Contract Conductor vide orders dated 04-11-2012 and she was subjected to practical training from 04-11-2013 to 16-11-2013 and thereafter, no posting orders were issued to her.

4. Learned Standing Counsel for the respondents submits that though the appointment orders were issued to the petitioner on 04-11-2012 for the post of Conductor, the petitioner has not reported for duty. Later, after lapse of nearly 7 years, she cannot seek posting orders in pursuance of the appointment order dated 04-11-2012 by filing this Writ Petition. Hence, the Writ Petition is barred by limitation and the same is liable to be dismissed.

5. In reply, learned counsel for the petitioner contends that the petitioner has been making repeated representations to the respondents right from 2012 for issuing posting orders and in the counter affidavit, though it was specifically stated that she was given two or three reminders to come and join duty as a Contract Conductor, but none of those proceedings were communicated to the petitioner and in the absence of such communication, the petitioner cannot be faulted. Hence, he sought a direction to consider the petitioner's case and pass appropriate orders on the representation submitted by the petitioner on 28-12-2016.

6. Having regard to the rival submissions made by the parties, this Court is of the considered view that this Writ Petition can be disposed of by directing the petitioner to submit a fresh representation to the respondents within two weeks from the date of receipt of a copy of this order and upon such representation being received, the respondents shall consider and pass appropriate orders within a period of six weeks thereafter.

7. With these observations, the Writ Petition is disposed of.
No costs.

8. As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

Date: 14-06-2019
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