

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.40524 of 2015

ORDER:

This writ petition is filed seeking the following relief :-

“..... to issue an order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents in not allotting duties to the petitioner in pursuance of the reinstatement order Dt 31.10.2007, which was served on 24.6.2014 as high handed and arbitrary action, contrary to APSRTC Regulations, violative of Articles 14, 16 and 21 of the constitution of India, and as such, liable to be set aside in the interest of justice with a consequential direction to the respondents to extend all the benefits from 31.10.2007 till reinstatement forthwith”.

Heard Mr.S.M.Subhan, learned counsel appearing for the petitioner and Sri N.Vasudeva Reddy, learned Standing Counsel for the respondents.

It has been contended by the petitioner that he was appointed as a Shramik with the respondents during the year 1991 and thereafter promoted as Electrician and he has been discharging his duties to the best satisfaction of his superiors and everyone concerned. The petitioner submits that owing to ill-health, he remained absent from 13.07.2006 to 19.08.2006. The respondents have construed the same as a misconduct and initiated disciplinary proceedings and after conducting detailed enquiry, for the proven misconduct, the disciplinary authority has imposed major penalty of removal vide proceedings dated 22.12.2006. Thereafter, the petitioner has preferred an appeal and the appellate authority was pleased to reinstate the petitioner into service vide proceedings dated 31.10.2007, but the said proceedings are not communicated

to the petitioner. The petitioner was making series of efforts requesting the respondents to communicate the proceedings dated 31.10.2007. But, the respondents have not communicated the said proceedings. Finally, the petitioner has obtained proceedings dated 31.10.2007 under the Right to Information Act on 24.06.2014. Thereafter, the petitioner has requested the respondents to reinstate him into service pursuant to proceedings dated 31.10.2007. But, the respondents have not reinstated the petitioner into service. Challenging the action of the respondents in not permitting the petitioner to attend duty, the present writ petition is filed.

Learned counsel appearing for the petitioner submits that appropriate orders be passed in the writ petition directing the respondents to consider the case of the petitioner for reinstatement into service pursuant to proceedings dated 31.10.2007. The learned counsel submits that the petitioner is willing to forego his entire terminal benefits from the date of removal till the date of reinstatement.

Learned Standing Counsel appearing for the respondents submits that the case of the petitioner will be considered for reinstatement subject to medical fitness and other eligible criteria, if the petitioner submits fresh representation and appropriate orders would be passed in accordance with law.

This Court, having considered the rival submissions made by the respective parties, is of the considered view that this writ petition can be disposed of directing the petitioner to submit fresh representation to the respondents within two weeks from the date

of receipt of a copy of this order, requesting to permit him to join duty pursuant to proceedings dated 31.10.2007 and also by giving an undertaking that he would forego entire benefits from the date of removal till the date of reinstatement. Upon such representation being received, the respondents shall consider the same and pass appropriate orders in accordance with law within a period of eight weeks thereafter. No order as to costs.

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

Pending miscellaneous petitions, if any, shall stand closed.

17-09-2019
Prv

ABHINAND KUMAR SHAVIL, J

