

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.3650 OF 2020

Dated:20.02.2020

Between:

Nenavath Krishna

.. Petitioner

And

Telangana State Road Transport
Corporation, rep., by its Managing
Director, Musheerabad, Hyderabad
And others

.. Respondents



This Court made the following:

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ORDER:

Heard learned counsel for the petitioner and learned standing counsel for TSRTC appearing for the respondents.

2. Petitioner was appointed as a contract Driver w.e.f. 18.05.2017. On 05.05.2018, he was assigned the duty on Super Luxury service from Hyderabad to Srikalahasthi. While on duty, due to rash and negligent driving, petitioner dashed a tractor parked on roadside near Allagadda resulting heavy damage to the vehicle. On the said allegation, disciplinary proceedings were initiated resulting in termination of services of the petitioner by the disciplinary authority, affirmed by the appellate authority. In the revision preferred by the petitioner, revisional authority, while agreeing with the disciplinary action taken against him and the finding recorded on the allegation of rash and negligent driving, modified the punishment and the order of termination was set aside, but his seniority placement in the panel for regularization was reduced by 15 points. Petitioner was also denied wages for the period out of duty.

3. Learned counsel for the petitioner made detailed submissions on the tenability of the decision taken by the revisional authority. He also contended that the punishment of reduction by 15 points in the panel for regularization is not permissible, as it is not specified in the service regulations and therefore the same could not have been imposed. He further submits that all his batch-mates were regularized on 01.05.2018,

but for reasons best known, the said benefit was not extended to the petitioner and on account of the punishment now imposed, he is deprived of his regularization on par with his batch-mates and would become far junior to them.

4. Admittedly, petitioner was on contract employment and his services were not regularized. Therefore, the regulations governing the service are not applicable to the contract employee. Thus, there was no compulsion on the respondent authorities to grant reinstatement into service of a contract employee, more so when the serious allegation of rash and negligent driving causing major accident was levelled against him. Once a decision is taken by the revisional authority to grant relief, as the petitioner was a contract employee, some deterrent punishment has to be imposed in the place of termination from service. As the petitioner is due for regularization and regularization is based on the seniority, at least to have some kind of discipline, the revisional authority ordered for reduction of 15 points in the seniority list of contract drivers eligible for regularization. Thus, in the peculiar facts of this case and having regard to the fact that the charge levelled against the petitioner was established, the decision of the revisional authority cannot be faulted.

5. As observed by the Hon'ble Supreme Court in **APSRTC and others v. A.U.M. Rao and others**¹ petitioner cannot be put on par with other contract drivers who have no blemish. Setting aside the punishment would amount to continuation of service and consequently granting all benefits on par with other contract

¹ MANU/SC/1510/2018 = 2018 SCC Online SC 2975

drivers. This course is not just and equitable. The basic requirement of the driver is to drive the vehicle properly and to ensure safety of the passengers, the vehicle and the road users. Therefore, I do not see any merit in the writ petition and the same is liable to be dismissed.

6. The Writ Petition is accordingly dismissed. There shall be no order as to costs. Pending Miscellaneous Petitions, if any, shall stand closed.

Date:20.02.2020

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P. NAVEEN RAO, J

