

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.20 OF 2007

DATED : 23.01.2020

Between :

G. Mallesham E-92773, Driver,
S/o.Venkataiah, R/o.Husnabad Post & Mandal,
Karimnagar District.

.....Petitioner

And

The Managing Director, APSRTC,
Musheerabad, Hyderabad & others.

.....Respondents



The Court made the following:

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ORDER:

No representation on behalf of the petitioner. Learned Standing counsel for the respondent-Corporation is present.

2. Petitioner was appointed as Heavy Motor Vehicle driver, on 28.05.1980 in Siddipet Depot of Medak Region. He was confirmed in the post of Driver Gr-II, w.e.f. 01.08.1984 and was subsequently placed in Special Grade on completion of 12 years of continuous service. He was later promoted to Driver Grade-I with effect from 01.07.1995. Petitioner applied for transfer to Karimnagar region. The request of petitioner was accepted and orders were passed on 19.05.1995 imposing three conditions. Firstly, his transfer was without any transfer benefits, secondly, he would become junior most in the category of drivers and thirdly, his seniority be reckoned from the date of reporting for duty in Karimnagar Region as per the undertaking given by him in terms of Circular No.PD-53/88 dated 16.06.1988. Accordingly, his seniority was fixed in Karimnagar region. However, petitioner raised dispute against showing him at lower placement in the seniority.

3. The Government referred the dispute to the Industrial Tribunal-cum-Labour Court at Godavarikhani (for short 'the Tribunal'), under Section 10 (1)(d) of the Industrial Disputes Act, 1947. On consideration of the matter in detail, the Tribunal did not find merit in the contentions and accordingly Award was passed rejecting the claim of petitioner.

4. The jurisdiction of Writ Court against Award passed by the Tribunal is limited to the extent of consideration of Award on the question of jurisdiction and glaring illegality in the decision made by the Tribunal. The Writ Court cannot sit in appeal and re-evaluate the evidence on record to come to a different conclusion from one arrived at by the Tribunal.

5. Having regard to the above parameters, as seen from the material averments in the affidavit filed in support of writ petition and the counter affidavit, it is only on the request made by the petitioner for transfer from parent unit to different unit, his transfer was affected, with conditions to take the junior most place in the transferred region. Having accepted the conditions and joined in the transferred post, it is no more open for him to turn around and take a different plea. Therefore, I see no merit in the writ petition.

6. Writ Petition is accordingly, dismissed. Pending miscellaneous petitions, if any, shall stand closed.

23rd January, 2020
Rds

P.NAVEEN RAO,J