

**THE HON'BLE SMT JUSTICE V. SUJATHA**

**Writ Petition No. 28538 of 2015**

**ORDER:**

This Writ Petition is filed under Article 226 of the Constitution of India seeking the following relief:-

“....to issue writ order or directions more in the nature of Writ of Mandamus declaring the Proceedings of the 2<sup>nd</sup> respondent No. PA/675(56)/13-RM (NLR) dated 11-11-2013 and 29.12.2015 in denying the continuity of service and other benefits as illegal, arbitrary and contrary to the circulars of APSRTC and judgments of this Honble court and set aside the same insofar against to the petitioner and further to direct the respondents herein to grant continuity of service with all attendant benefits including regularization with all arrears....”

2 Brief facts of the case are that the petitioner was appointed as a contract Driver in the service of Andhra Pradesh State Road Transport Corporation (APSRTC) in the year 2010. While he was conducting the bus on 17.10.2012 he caused an accident, resulting death of lorry driver of the opposite vehicle. In pursuance of the same, an enquiry was conducted and ultimately, he was terminated from service under order dated 02.03.2013, challenging the same, the petitioner has filed

review before the 2<sup>nd</sup> respondent, who inturn has set aside the termination proceedings ordering reinstatement of the petitioner. But, due to ill health, he could not join duty. After recovery, the petitioner has approached the 3<sup>rd</sup> respondent by way of representation, who has not permitted the petitioner to join duty. Aggrieved by the same, he filed W.P.No.33895 of 2014 which was disposed of with the following directions:-

“Having regard to the aforesaid submissions, and having regard to the facts and circumstances of the case, the 2<sup>nd</sup> respondent is directed to consider the representation dated 17.07.2013 made by the petitioner seeking re-engagement as contract driver and dispose of the same within a period of six weeks.

3. Subsequent to above orders, the 2<sup>nd</sup> respondent has passed orders dated 29.01.2015 re-engaging the petitioner as fresh contract driver by condoning the delay in submitting the joining report. In pursuance of the same, the petitioner has reported to duty and working as such. As he was denied continuity of service and other attendant benefits, he filed the present writ petition.

3. Today, when the matter was taken up for hearing, learned counsel for the petitioner has submitted that in similar

circumstances, this court has passed orders on 21.01.2021 in W.P.No. 1342 of 2021 with the following directions:-

“6. I have considered the rival submissions made by the learned counsel for the parties and perused the record as well as the judgment of this Court relied upon by the learned counsel for the petitioner. I am of the considered view that the writ petition can be disposed of in terms of the judgment of this Court cited supra. The impugned order passed by the reviewing authority is, accordingly, set aside and the matter is remanded back to the reviewing authority to take appropriate decision and impose punishment than that of removal, in accordance with the Regulations of the Corporation, within a period of four (4) weeks from the date of receipt of a copy of this order.”

3. Therefore, the learned counsel for the petitioner has requested to issue similar directions in this writ petition also.

4. Learned Standing Counsel appearing for the respondents has not opposed for passing similar order in this writ petition.

5. In view of the same, this writ petition is also allowed in the same identical lines as indicated in the order dated 20.01.2021 issued in writ petition No.1342 of 2021. There shall be no order as to costs.

6. The office is directed to enclose a copy of the order dated 20.01.2021 issued in writ petition No.1342 of 2021 to this order.

As a sequel, miscellaneous application, pending, if any, shall also stand closed.

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**(Allowed)**

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**Date: 11.05.2023**

**Psr.**