

HONOURABLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No.27531 OF 1997

Dated 28-2-2007

Between:

S. Premchand, son of Venkata Subbarao, 23 years,  
H.No.6-3-126/1/M, Savarkarnagar,Nalgonda.

..Petitioner.

And:

1. The A.P.S.R.T.C. represented by its Regional  
Manager, APSRTC, Nalgonda Region, Nalgonda and  
another.

...Respondents.

ORDER:

This writ petition is filed seeking a writ of mandamus directing the respondents to allot duties to the petitioner as Conductor in any Region and pay wages for the period he was out of duty.

While admitting the writ petition on 13-11-1999, the respondents were directed to allot duty to the petitioner as Conductor in any of the Region pending further orders. Thereafter, Vacate Stay Petition was filed and the interim order passed on 13-11-1997 was made absolute on 21-1-1998.

It is asserted by the petitioner that he was selected for being appointed as Conductor on 31-01-1997. After completion of the formalities, the respondents directed him along with 19 others to approach the Regional Manager, Medak Region, at Sangareddy to utilize their services in Medak Region by an order dated 4-4-

1997. However, they were re-directed back to the 1<sup>st</sup> respondent by an order dated 30-6-1997. It is further asserted that their services were disengaged because of the slack season. On 28-7-1997, the petitioner and others were directed to approach the 2<sup>nd</sup> respondent to utilize their services as conductors. When they approached the 2<sup>nd</sup> respondent's office on 28-7-1997, they were informed that the duty will be allotted only after receipt of the 'P' case and 'SR' and when they approached the 1<sup>st</sup> respondent and requested to send required material, they were informed that an enquiry against the petitioner by the District Collector about the residential status is pending and therefore, they have not sent the 'P' case and 'SR'.

In the counter filed by the respondents, it is asserted that the petitioner was selected as conductor and was directed to approach the Medak Region APSRTC Office along with others for appointment. It is further asserted that due to slack season, he was dis-engaged from service and re-directed to Nalgonda Region for further posting. In the meantime, the Regional Manager, APSRTC, Nalgonda received a notice from the District Collector stating that the bonafides as to the nativity certificate of 14 candidates, among whom the petitioner is one of them, was suspected and therefore, an enquiry was ordered. Hence, the petitioner was not given posting orders as the enquiry was still pending before the District Collector, Nalgonda. However, in view of the direction of the Court, the petitioner was taken on duty pending further orders.

Now, in view of the interim order of this Court, the petitioner is still continuing in service for more than 10 years. It is not the case of the respondents that he was not selected by duly constituted Selection Committee nor he has obtained employment

through backdoor method. They have suspected the genuineness of the Nativity Certificate submitted by the petitioner. In the counter filed, they have not stated anything as to whether the enquiry was completed by the District Collector and whether there are any grounds to deny the appointment of the petitioner or not.

In view of the above, the respondents are directed to continue to engage the petitioner and regularize his services as per rules if not already regularized.

The writ petition is, accordingly, disposed of. No costs.

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Justice C.V.RAMULU

Dated 28-2-2007.

Dvs

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