

THE HON'BLE MR JUSTICE L. NARASIMHA REDDY

Writ Petition No.12758 of 2008

ORDER:

The petitioner was employed as E.P. Operator on 06-10-1995, by the respondents-Company. Production of a Driving Licence was essential for that post. The petitioner produced a driving licence, issued to him, in the year 1984.

In the year 1996, a charge-sheet was issued to the petitioner, requiring him to explain as to why his appointment shall not be cancelled, on the ground that the driving licence, relied upon by him, was found to be not genuine. Petitioner submitted his explanation, and after due inquiry, the respondents removed the petitioner from service, through order dated 30-07-1997.

Petitioner filed W.P.No.2018 of 1998 before this Court, challenging the order of removal. The writ petition was disposed of, on 19-06-2007, directing that the case of the petitioner be considered for appointment as a fresh candidate, in case he produces a fresh driving licence; on par with other candidates.

Petitioner states that he appeared before the respondents, on 16-08-2007, and that his case was rejected by them, through order dated 08-01-2008. The respondents took the view that, according to the order passed by this Court, the case of the petitioner would be considered, only when the steps for recruitment for the post of E.P. Operator Trainees, are undertaken. The petitioner challenges the action of the respondents.

A detailed counter-affidavit, together with supporting documents, is filed by the respondents. It is stated that the directions issued by this Court in W.P.No.2018 of 1998 have been complied with, and the case of the petitioner would be considered as and when recruitment takes place.

Heard Sri G.Vidya Sagar, learned counsel for the petitioner, and Sri Nandigama Krishna Rao, learned Standing Counsel for the

respondents.

It appears that, in fairly large number of cases in the A.P.S.R.T.C., or the Singareni Collieries Company Ltd., the persons, employed as Drivers, face the disciplinary proceedings mainly on the ground that the driving licences produced by them are not genuine. The root cause appears to be that, the unemployed gullible youth fall into the hands of Agents, at R.T.A. Offices, and it is too late for them to realize, that the licences, issued to them; were not genuine. That, however, is a different aspect.

The petitioner approached this Court, way back in the year 1998, feeling aggrieved by the order of removal dated 30-07-1997. This Court, though, did not interfere with the order of removal, directed that, it shall not come in the way of the respondents in considering the case of the petitioner for appointment as an E.P. Operator, in case a genuine driving licence is produced. It is not as if the relief granted to the petitioner is extraordinary and solitary in nature. The record discloses that, not only in identical matters this Court granted almost similar relief, but also the respondents have re-employed the persons, similarly situated, as fresh Drivers, without subjecting them to any further test. Notwithstanding the fact that there is some difference, in the language, employed by this Court, in granting the relief, the spirit appears to be, that the case of the petitioner be considered for appointment as a fresh E.P. Operator, in case he produces genuine Driving Licence. Therefore, the respondents cannot stand on hyper-technicalities and give an interpretation of their own, of the orders passed by this Court. As recently as on 14-03-2008, the respondents passed an order re-employing one Mr.G.Rama Rao, as an E.P. Operator, afresh, in compliance with the directions issued by this Court in W.P.No.12813 of 2004.

Under these circumstances, the writ petition is disposed of, directing that the respondents shall extend the same treatment to the

petitioner, as was done to one, Mr. G.Rama Rao, Ex. E.P. Operator,
vide proceedings dated 14-03-2008; within a period of four weeks from
the date of receipt of a copy of this order.

There shall be no order as to costs.

L. NARASIMHA REDDY, J.

Dt.30-06-2008.

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