

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

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WRIT PETITION No. 9928 of 2010

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ORDER:

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents. Since the review/appeal is pending before the Regional Manager of the Corporation, this Writ Petition is taken up for disposal at the stage of admission.

The petitioner was appointed as a driver on contract basis in the Andhra Pradesh State Road Transport Corporation (for short, 'the Corporation'), on 06.05.1997. While he was driving the bus bearing Reg.No. AP 9Z 795 on 04.08.1997, from Guntur to Mutlur, an accident took place. Attributing negligence on the part of the petitioner, as a measure of penalty, on 10.02.1998, the 3rd respondent issued proceedings No. 01/2 (19)/97-GNT-2, to the effect that his regularization when falls due be postponed for a period of two years which shall have effect on his future service. As against the same, the petitioner filed an appeal before the 2nd respondent, who refused the same by order dated 27.12.1999. Further, the petitioner carried the matter by way of review before the Regional Manager, but the same is not considered as yet.

It is the case of the petitioner that with regard to the same set of charges, he was prosecuted in criminal proceedings, but after a regular trial, he was acquitted of the same, as he was found not guilty of rash and negligent driving. Hence, the petitioner complains that the fact of his acquittal in criminal proceedings was not taken note of by the respondents while passing the impugned orders.

When this matter has taken up for hearing, on 28.04.2010, it

was adjourned so as to enable the learned Standing Counsel for the respondent Corporation to get instructions with regard to the review/appeal filed by the petitioner and which is stated to be pending before the Regional Manager. Today, it is submitted by the learned Standing Counsel that the review filed by the petitioner is still pending consideration before the Regional Manager.

Since it is submitted that the review filed by the petitioner against the order of the appellate authority is pending consideration, without going into the merits of the matter, in detail, I deem it appropriate to direct the Regional Manager to dispose of the review/appeal dated 06.05.2000 filed by the petitioner as expeditiously as possible, preferably within a period of two months from today. It is further directed that while disposing of the review petition, the revisional authority shall take into consideration the judgment of the criminal Court, wherein it has acquitted the petitioner of the charges levelled against him.

With this, the Writ Petition is disposed of. No costs.

R.SUBHASH REDDY, J

30th April 2010.

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