

THE HON'BLE SRI JUSTICE L. NARASIMHA REDDY
WRIT PETITION No.27933 of 2010

(on being mentioned)

ORDER:

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It appears that by mistake, an order, which was to be passed, similar to the one in W.P.No.23818 of 2010, the one in another batch of writ petition was passed. In that view of the matter, the order, dated 15.11.2010, is recalled and in its place, the following order is passed:

The petitioner was engaged as Driver on contractual basis by the Andhra Pradesh State Road Transport Corporation. His services were terminated, *vide* proceedings, dated 25.01.2008, by the Depot Manager, Godavarikhani, respondent No.2 herein, on the ground that he remained unauthorisedly absent from duties. The same is challenged in this writ petition.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents.

It is, no doubt, true that the appointment of the petitioner is on contractual basis. However, the respondents are under obligation to issue show cause notice and conduct departmental enquiry in case they intend to impose any punishment on such employees.

This Court took the view that the very terms of the contract indicate the Service Regulations issued by the Corporation apply to such employees also and in a batch of writ petitions, the orders of termination passed by the Corporation without issuing show cause notice and without conducting domestic enquiry were set aside.

Hence, the writ petition is allowed and the impugned order is set aside. The petitioner shall be reinstated into service

forthwith, but he shall not be entitled to be paid back wages. It shall be open to the respondents to initiate disciplinary proceedings in accordance with law, if they still feel that the same is necessary. There shall be no order as to costs.

L.NARASIMHA REDDY,J

Dt:31.12.2010.

kdl