

HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.30418 of 2012

-
Date: September 28, 2012

Between:

M. Shekar

...

Petitioner

And

1. The Divisional Manager, A.P.S.R.T.C.,
Charminar Division, CBS, Hyderabad
& 2 others.

...

Respondents

* * *

HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.30418 of 2012

ORDER:

The petitioner, a contract Conductor in the service of the Andhra Pradesh State Road Transport Corporation (APSRTC), was terminated from service under order dated 27.04.2010 on the ground of unauthorised absence. His appeal before the Divisional Manager, Charminar Division, APSRTC, however, resulted in his being re-engaged as a contract Conductor afresh. The petitioner is aggrieved by the denial of continuity of service, attendant and consequential service benefits including regularization owing to his being appointed afresh.

2. The matter is no longer *res integra* in the light of the various judgments passed by this Court in similar matters. A copy of the order dated 29.02.2012 passed by my learned brother Justice Vilas V. Afzulpurkar in W.P. No.2786 of 2012 and batch is

placed before me. In so far as the present dispute is concerned, the direction therein in paragraph 1 of the directions would suffice.

Paragraph 1 reads as under:

“In cases where the appellate/revisional authority has directed re-engagement of the contract employees as fresh employees, such employees shall be entitled to benefit of continuity of service from the date of termination till the date of re-engagement, except for the period during which they were absent, and the said continuity of service granted to the employees shall be without any monetary benefit and shall be counted only for the purpose of regularization at a future date.”

3. Though the learned standing counsel for the APSRTC seeks to draw a distinction between this case and the batch of cases on the ground that the APSRTC conducted a full-fledged enquiry in the matter, the said submission may not carry weight, inasmuch as the said aspect was also considered while passing a comprehensive order in the batch of cases. Though the APSRTC did hold an enquiry in some of the cases in the batch, the learned Judge found that the enquiry was not in keeping with the principles of natural justice. Further, it may be noticed that some of these contract conductors and drivers who were accused of cash & ticket irregularities and rash & negligent driving respectively have been re-engaged afresh by the APSRTC itself. Having granted this largesse to these contract employees, which it would normally deny to its regular conductors and drivers, it is indeed incomprehensible as to why the APSRTC is aggrieved by the benefit of continuity of service extended to these contract employees and that too, for the limited purpose of their regularization. Denial of monetary benefits and continuity of service for other purposes would be sufficient punishment to these contract employees. This Court is therefore, not impressed with

4. In terms of the direction in the batch, the writ petition is disposed of directing the respondents to extend the benefit of continuity of service to the petitioner from the date of termination till the date of his re-engagement except for the period during which he was absent. This continuity of service shall, however, be without monetary benefit and shall be counted only for the purpose of regularization at a later date. W.P.M.P. No.38819 of 2012 shall stand dismissed in the light of this final order. No order as to costs.

Date: September 28, 2012.
BSB
