

(2022) 11 TEL CK 0023
In the Telangana High Court
Case No : Writ Petition No. 29652 Of 2022

M.Bhupal Reddy

APPELLANT

Vs

Telangana State Road Transport Corporation

RESPONDENT

Date of Decision : 09-11-2022

Acts Referred:

Citation : (2022) 11 TEL CK 0023

Hon'ble Judges : P.Madhavi Devi, J

Bench : Single Bench

Advocate : P Venkateswar Rao, N Praveen Reddy

Final Decision : Dismissed

Judgement

1. In this Writ Petition, the petitioner is seeking a Writ of Mandamus declaring the action of the respondents in not issuing Identity Card and Health Card to the petitioner as bad, arbitrary and illegal and to consequently direct the respondents to issue Identity Card and Health Card to the petitioner forthwith and to pass such other order or orders as this Court deems fit and proper.

2. Brief facts leading to the filing of the present Writ Petition are that petitioner was initially appointed as a casual Driver with the respondent Corporation on 17.03.1988 and his services were regularised on 01.10.1988. It is submitted that the petitioner was removed from service on 16.01.1997 on the allegation that he has produced non-genuine driving licence. Thereafter, the petitioner was again considered for appointment as per Circular No.PD-43/2000 dt.11.08.2000 by producing a fresh driving licence and the petitioner was given posting as a contract Driver though he was earlier a regular Driver. It is submitted that the petitioner challenged the said action of the respondents in W.P.No.16494 of 2006 to rectify his position of reappointment. It is submitted that the said Writ Petition was dismissed on 30.09.2011, against which the petitioner filed W.A.No.844 of 2012 which was disposed of on 19.12.2018 directing the respondent Corporation to consider the case of the petitioner for contract appointment. It is submitted

that when the said direction was not followed, the petitioner filed C.C.No.774 of 2019 and at that point of time, the respondents issued a letter dt.24.08.2020 stating that the petitioner has already reached the age of superannuation as per the entry of his date of birth in the service record. It is submitted that as per Circular No.PD-43/2000 dt.11.08.2000, the opportunity for submitting fresh genuine licence was allowed and the petitioner was reappointed and in W.A.No.844 of 2012, there was a direction for his reappointment, but it was not done due to his superannuation as per wrong entry. It is submitted that the petitioner therefore should be issued Identity Card and Health Card on the basis of the order in W.A.No.844 of 2012 and for the said purpose, the present Writ Petition has been filed.

3. While the learned counsel for the petitioner, Sri P. Venkateshwer Rao, placed reliance upon the averments in the writ affidavit and also Circular No.PD-43/2000 dt.11.08.2000 in support of his contentions, the learned counsel for the respondents relied upon the averments in the counter affidavit.

4. In the counter affidavit, it is stated that the petitioner was offered employment on contract basis, but he did not accept the same and filed W.P.No.16494 of 2006 before this Court which was dismissed on 30.09.2011 and therefore, the petitioner could not be appointed even on contract basis before he reached the age of superannuation and therefore, the claim of the petitioner for issuance of Identity Card and Health Card is not entertainable. It is submitted that the petitioner falls in the category of removed employee and not a retired employee and hence he cannot be issued Identity Card and Health Card. For this purpose, the respondents have placed reliance on Circular No.PD-58/2005, dt.08.12.2005, wherein it was provided that the benefit of medical facility has been extended only to retired employees.

5. Having regard to the rival contentions and the material on record, this Court finds that the petitioner was removed from service for producing non-genuine driving licence and later on he was offered reappointment as a contract Driver. Therefore, the offer of appointment would be effective only from the fresh date of offer and the service of earlier appointment would not be available to the petitioner. Further, the petitioner did not join the duty even as a contract Driver, but, has challenged it in W.P.No.16494 of 2006 and the same was dismissed on 30.09.2011. Therefore, the petitioner was never in service after removal from service on 16.01.1997. Though there was a direction in W.A.No.844 of 2012 for reappointment, since the petitioner never joined the service of the respondent Corporation, he cannot be treated as a retired employee of the Corporation and as per Circular No.PD-58/2005 dt.08.12.2005, only retired employees are eligible for medical facilities.

6. In view of the same, this Court does not find any merit in the Writ Petition and the Writ Petition is accordingly dismissed. No order as to costs.

7. Pending miscellaneous petitions, if any, in this Writ Petition shall also stand

dismissed.