
(1999) 06 AP CK 0111

In the Andhra Pradesh High Court

Case No : Writ Petition No. 5791 of 1998

P. Kistaiah and Another

APPELLANT

Vs

Vice-Chairman and Managing Director, A.P.S.R.T.C. and
Another

RESPONDENT

Date of Decision : 15-06-1999

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (1999) 6 ALT 335

Hon'ble Judges : S.R. Nayak, J

Bench : Single Bench

Advocate : G. Vidyasagar, for the Appellant; A. Vijayanthi, for the Respondent

Final Decision : Dismissed

Judgement

S.R. Nayak, J.—This writ petition is filed by two persons jointly. The 1st petitioner claims that he worked as Conductor w.e.f. 10-2-1989 till the nationalisation of the route w.e.f., 23-2-1991. It is the case of the 2nd petitioner that he too worked as Conductor in a private bus w.e.f. 18-4-1989 till the date of nationalisation. After the nationalisation of the route w.e.f., 23-2-1991, it is stated that the petitioners laid their claims for absorption of their services in the establishment of A.P.S.R.T.C. in the year 1992 and since there was no positive response from the management of the A.P.S.R.T.C., the petitioners had filed W.P.No. 28510 of 1996 seeking its intervention. The Court disposed of that writ petition on 20-4-1997 directing the Management of the A.P.S.R.T.C. to consider the claims of the petitioners. In pursuance of the direction of the Court, the petitioners were called for interview on 22-7-1997 by the Committee constituted by the Management. Since the materials placed before the Committee by the petitioners are not acceptable to the Committee, a show-cause notice dated 20-8-1997 for rejection of the claim was issued to the petitioners for showing cause as to why their claims for absorption as displaced workers should not be rejected. The petitioners submitted their reply. Ultimately, by the proceedings

dated 13-2-1998, the claims of the petitioners were rejected. Hence, this writ petition assailing the action of the Management of the A.P.S.R.T.C. disallowing the claims of the petitioners.

2. Sri G. Vidyasagar, learned Counsel for the petitioners would quite strenuously contend that the reasons assigned by the Management to disallow the claims of the petitioners are perverse and untenable. The learned Counsel would maintain that the Certificates issued by the owner of the vehicle and produced by the petitioners before the Committee would clearly disclose that the petitioners 1 and 2 had worked as Conductors, w.e.f., 10-2-1989 and 18-4-1989 respectively till the date of nationalisation of the route w.e.f., 23-2-1991 and there was absolutely no weighty materials to doubt the correctness of the Certificates issued by the owner.

3. As could be seen from the impugned proceedings, what substantially weighed with the mind of the Management to reject the claims of the petitioners is that though they claimed that they came to be appointed as Conductors in the year 1989 itself, they did not produce appointment orders; the appointment order is dated 9-3-1990 only; the Conductor licences produced by the petitioners are dated posterior to the alleged date of appointment as well as the date of issuance of the appointment orders. It is also stated that as per the circular instructions, the petitioners failed to produce LEO Certificates.

4. It is quite often reiterated by the Courts that the judicial review is not against the decision, but the decision-making process. The only question that falls for consideration for this Court is to see whether the grounds, circumstances and, the reasons stated in the impugned order and impugned show-cause notice for rejection of the claims can be said to be perverse and irrelevant to the decision-making. I do not think so. In determining the genuineness or otherwise of the claims of the petitioners, the factors and circumstances stated by the A.P.S.R.T.C. Administration cannot be said to be totally irrelevant and not at all germane to the decision-making. It is very much relevant to note that if the petitioners, as claimed by them, were appointed as Conductors in the year 1989 itself, they should have possessed Conductor's licences and if they have possessed the Conductor's licences there should not have been any difficulty to produce the Conductor's licence held in the year 1989.

5. In the instant case, impugned proceedings disclose that the petitioners produced Conductor's licences only for the period commencing from 11-4-1990 and onwards and not for the period anterior to 11-4-1990.

6. In the result, writ petition fails and the same is dismissed. No costs.