

(2010) 02 KL CK 0052

In the High Court Of Kerala

Case No : Writ Petition (C) . No. 323 of 2010 (M)

R. Anil Kumar

APPELLANT

Vs

State of Kerala and Others

RESPONDENT

Date of Decision : 17-02-2010

Acts Referred:

Citation : (2010) 02 KL CK 0052

Hon'ble Judges : Antony Dominic, J

Bench : Single Bench

Advocate : R. Gopan, for the Appellant; V.V. Nandagopal Nambiar, SC for KSRTC, for the Respondent

Final Decision : Dismissed

Judgement

Antony Dominic, J.—The petitioner submits that he is a provisional driver working under the Kerala State Road Transport Corporation Ltd. According to him, from 29/12/2009 onwards although he was present in the Pappanamcode Depot for duty, the 3rd respondent has not allotted him any duty. With this grievance, the writ petition has been filed with a prayer to direct respondents 3 & 4 to allot duty to the petitioner forthwith.

2. A statement has been filed on behalf of respondents 2 to 4. According to the respondents, on 07/11/2009, while operating Eastfort-Pappanamcode-Udiyankulangara service, the petitioner failed to stop the bus at the authorised stop inside the garage to alight passengers even though the conductor rang the bell. Instead the petitioner drove the bus out side the garage and stopped the vehicle at a place where there was no authorized bus stop. On receipt of the complaint, the Administrative Officer of the Unit summoned the petitioner and advised him to be more vigilant and careful in future. It is stated that to such advice, the petitioner responded roughly using abusive language and also shouted at the DTO in the presence of his subordinates. He thereafter slammed the door and left the chamber in a rude manner and gave misguiding reports to the media with a view to tarnish the image of the Organisation. It is stated that

on account of the aforesaid misconducts of the petitioner, who was only a provisional driver, has been temporarily disengaged from service with effect from 11/11/2009. It is stated that thereafter the petitioner has not reported for duty till date.

If the facts are as stated in the statement filed by the respondents, which is not contradicted by the petitioner by filing any reply, the only conclusion that is possible is that the allegations on the basis of which the writ petition has been filed is factually incorrect.

Therefore, this writ petition is only to be dismissed and I do so.