
(1998) 07 AP CK 0001
In the Andhra Pradesh High Court
Case No : WA No. 987 of 1998

Selection Committee, APSRTC, Srikakulam and others	APPELLANT
Vs	
Ch. V.N. Satyanarayana	RESPONDENT

Date of Decision : 27-07-1998

Acts Referred:

Motor Vehicles Act, 1988 — Section 68

Citation : (1998) 5 ALD 411 : (1998) 5 ALT 738

Hon'ble Judges : Umesh Chandra Banerjee, C.J.; Bilal Nazki, J

Bench : Division Bench

Advocate : Mr. K. Harinath, SC for APSRTC, for the Appellant; Mr. A. Rama Rao, for the Respondent

Judgement

Umesh Chandra Banerjee, C.J.—This appeal is directed against an order of the learned single Judge wherein a direction was issued onto the respondents therein, being the appellants before this Court, to consider the case of the petitioner afresh in terms of the judgment in W.P. No. 5186 of 1987 dated 25-8-1987 and communicate their decision to the writ petitioner within three months from the date of receipt of the order. Significantly, however the writ petitioner has prayed before the Court by way of a writ petition for implementation of the order passed in W.P.No.11045 of 1993. Be it noted that the first in the line of writ petitions filed by the respondent-writ petitioner is in the year 1993 being WP No. 11045 of 1993 and the learned single Judge disposed of the case with a direction to consider the case of the petitioner and in terms of the order, the writ petitioner's case was duly considered but did not find favour of the respondents-appellants and as such, the case was rejected. Subsequently, the writ petitioner moved this Court in the year 1994 once again by way of a writ petition being W.P. No. 4706 of 1994 for absorption without, however, any reference to the earlier writ petition and the Court directed further consideration of the matter by the respondents-appellants. The records depict that the respondents did consider the matter but the case of the writ petitioner did not find favour and the same was rejected. A third writ petition in the line

was filed by the writ petitioner being W.P. No. 7306 of 1998 seeking for his absorption in the Corporation as Conductor or in any other suitable post equivalent to it on the ground that he worked in the bus No. APS 5299 on the route Chepare to Muvula Ravu as Checker-cum-Conductor from 1-2-1986 to 12-11-1987, the date when the said route was nationalised and consequently the writ petitioner became a displaced person entitled to be absorbed in the Corporation as per the circulars of the Corporation. In W.P. No. 4706 of 1994 filed by the writ petitioner along with others seeking his absorption in the Corporation as Conductor, the writ petitioner contended that he worked as Conductor in the bus APS No.6757 on the route Kanugulavaripeta to Srikakulam APSRTC Bus Complex from 4-5-1987 to 3-11-1993 for a period of six years and the said bus plied on the said route under a permit obtained u/s 68-F(1-c) of the Motor Vehicles Act from 4-5-1987. It is thus apparent that the contention of the writ petitioner that he worked in bus No. APS 5299 runs counter to the case made out in W.P. No. 4706 of 1994. As a matter of fact, the learned advocate appearing for the appellant, in no uncertain terms submitted that the writ petitioner-respondent herein has played fraud on this Court and obtained the order under appeal for his absorption in the Corporation and this order under appeal stands vitiated by fraud and is liable to be set aside. We do not express any opinion in regard thereto. Suffice, however, it to record that there is some amount of force in the contention of the learned advocate appearing for the Road Transport Corporation. The writ petitioner was considered on an earlier occasion and was found not suitable for the purpose of the Road Transport Corporation. On the wake of his non-suitability, the question of trusting an employee onto the Road Transport Corporation, in the event the Road Transport Corporation feels it not so expedient, does not and cannot arise. In any event, the record discloses that his name was not sponsored even by the owner of the bus No. APS 6757 and as such, we find some force in the contention of the learned advocate appearing in support of the appeal that the writ petitioner cannot be termed to be a genuine displaced employee, more so, by reason of the facts noted above.

2. In that view of the matter, we do not see any reason to concur with the order as passed by the learned single Judge. The appeal, therefore succeeds and the order of the learned single Judge stands set aside and quashed. No order as to costs.