

(2001) 02 AP CK 0097

In the Andhra Pradesh High Court

Case No : Writ Petition No. 4605 of 1999

Shaik Pedda Karimullah and others

APPELLANT

Vs

Managing Director, APSRTC, Musheerabad, Hyd. and another

RESPONDENT

Date of Decision : 28-02-2001

Acts Referred:

Citation : (2001) 3 ALD 30

Hon'ble Judges : A. Gopal Reddy, J

Bench : Single Bench

Advocate : Mr. G. Ravi Mohan, for the Appellant; Mr. C.V. Ramulu, SC for APSRTC, for the Respondent

Judgement

1. The petitioners claim that they are entitled to for absorption in the services of the respondent-A.P. State Road Transport Corporation as the route and the bus in which they were working became the subject-matter of Nationalisation.

2. The case of the petitioners is as follows : At the time of nationalisation of bus routes, the first petitioners was working as Checking on bus bearing registration No.AP 9Q 4678 and petitioners 2 to 4 working as Checking and Cleaners on the bus bearing registration No.AP 9G 5047. The petitioners" states that they possess all requisite qualifications and experience to be absorbed in the services of the Corporation to the post of Conductors, Cleaners or any other suitable post. The respective owners of the buses recommended the petitioners" names for absorption and all the relevant documents were submitted to the Labour Officer, Ongole to the effect that they worked on private buses. But for the reasons best known to them, the Labour Officer has not issued the certificates at the earliest time. The petitioners were deprived of their absorption because of delay in issuing the certificates by the Labour Officer. On 25-11-1994 and 26-11-1994 the Labour Officer, Ongole issued certificates stating that the petitioners are genuine displaced workers. After obtaining the said certificates, the petitioners made representations to the second respondent on 15-10-1994, 4-11 -1995 and. 13-12-1997 seeking absorption in the services of the respondent-Corporation.

But so far no action has been taken whatsoever on the said applications for absorption. Therefore, they filed the present writ petition seeking the above relief.

3. The respondent-Corporation filed a counter stating that the routes in Prakasam District were nationalised in the year 1987 and the Corporation had issued a paper notification inviting applications from the eligible displaced workers for the purpose of absorption into the service of respondent-Corporation. The bus bearing No.APQ 4678 and APB 5047 were displaced in Prakasam District but not the bus bearing No.AP 9Q 4678 and AP 9G 5047. The petitioners have not applied at the time of nationalisation pursuant to the paper notification and their names were not sponsored by the owners of the above displaced vehicles. Even if the petitioners obtained certificates on 25-11-1994 from the Labour Officer, Ongole, the quota fixed against the above displaced buses were already exhausted by absorbing genuine displaced workers and no further absorption can be made. Moreover even if the said certificates were issued by the Labour Officer, as early as in November, 1994, the petitioners approaching this Court nearly after five years, they are not entitled to any relief on the ground of laches.

4. Learned Counsel for the petitioners submits that the petitioners cannot found fault the Corporation for their absorption on the ground that the Labour Officer has not given certificates. After obtaining the certificates from the Labour Officer, the petitioners made representations in 1995 but the Corporation for the reasons best known to them has not considered the cases of the petitioners for absorption. This action of the respondent-Corporation is contrary to the scheme evolved for absorption of the displaced workers due to nationalisation of bus routes. Therefore, he requests the Court to allow the writ petition by following the judgment of this Court in WP No.5186 of 1987.

5. On the other hand, the learned Standing Counsel for respondent-Corporation submits that bus routes were nationalised as early as in the year 1987 and the petitioners are approaching this Court only after 11 years, therefore, they are not entitled to any relief on the ground of laches. Apart from the same, the owners did not sponsor the petitioners' names. Hence, they cannot claim absorption as a matter of right. In support of his claim, he relied on a judgment of the Division Bench of this Court in Regional Manager, APSRTC, Regional Manager, APSRTC Vs. Bommidi Venkata Ramana,

6. The decision in the case of Bommidi Venkata Ramana (supra), relied on by the learned Standing Counsel for the respondent-Corporation squarely covers the point involved in the present writ petition. In that case, a Division Bench of this Court held that since the route in question stands nationalised in the year 1987, question of entertaining a petition for appointment in the year 1997 does not and cannot arise.

7. In view of the same, the writ petition is liable to be dismissed on the ground of laches.

8. The writ petition is accordingly dismissed. No costs.