

(2000) 09 AP CK 0043
In the Andhra Pradesh High Court
Case No : Writ Petition No. 3371 of 2000

U.R.K. Varma

APPELLANT

Vs

A.P. State Road Transport Corporation and Others

RESPONDENT

Date of Decision : 06-09-2000

Acts Referred:

Citation : (2000) 6 ALT 390

Hon'ble Judges : G. Bikshapathy, J

Bench : Single Bench

Advocate : S.M. Subhan, for the Appellant; Y.V. Swamy, S.C., for the Respondent

Final Decision : Allowed

Judgement

G. Bikshapathy, J.—The Writ Petition is filed challenging the Order of termination dated 21-2-2000.

2. The petitioner was working as Casual Driver Grade-II. However, a charge sheet was issued to him alleging that he produced a non-genuine driving licence and thereafter show-cause notice was issued and ultimately he was removed from service by an order dated 21-2-2000. The said order is assailed before this Court.

3. It is the case of the petitioner that he is a genuine driving licence-holder and that the competent authority issued a licence under the provisions of the Motor Vehicles Act, and that the mistake was committed in the office of the Regional Transport Authority and therefore, the charge itself is not sustainable. He submits that the Regional Transport Officer and the Additional Licensing Authority, Vijayawada in proceedings No. 26-3-1999 has categorically stated that a mistake had crept in, instead noting the name of the petitioner as U. Ravi Kumar, his father's name was noted namely U. Krishnam Raju. In view of this, the petitioner submits that the order of termination is not sustainable in law. Further the Additional Licensing Authority, Rajahmundry in the endorsement dated 18-2-1988 also stated that the licence possessed by the petitioner was

genuine.

4. Having heard the learned Counsel for the parties, I am of the view that the order terminating the service of the petitioner is not sustainable in law. The ground on which the termination was effected is that he was not holding genuine driving license. The initial impression was that he was not having genuine driving licence, but the Regional Transport Authority himself by proceedings dated 26-3-99 has clarified that the petitioner possessed the driving license and there was a mistake in noting down the name of the petitioner in the driving license. The relevant para is extracted below:

"To-day, the licence holder approached with the original document of licence issued in this office. This original document was not with him earlier as he lost it and obtained duplicate licence at L.A. Kakinada, E.G. District subsequently. He, however, informed that his original licence document was retrieved in this house. This original document though in a mutilated condition, clearly indicates that it was issued in the name of Sri U. Ravikumar Varma only on 27-8-1986. It is was also found that subsequent endorsements by this officer are also genuine. While tallying the original document with the register in this office it was found that the photo and signature of the applicant obtained at the time of issue of licence also belongs to Mr. U. Ravikumar Varma s/o Krishnam Raju, Jaggaiahpet, Vijayawada, Krishna District.

However, there was a mistake while entering the name of the applicant in the register. The name was noted as Mr. U. Krishnam Raju (Name of the applicant's father) instead of U. Ravikumar Varma (Applicant). This mistake could only be noticed after comparing the original document made available by the applicant and also the duplicate licence document (obtained by the applicant from L.A. Kakinada) made available by the Police Official during his enquiry.

It was also ascertained from the DL holder that his father was an old man who never had the intention of obtaining the Driving licence. In view of the facts mentioned above, I request you to ignore on earlier letter authorisation in so far as this applicant is concerned and to treat this licence as genuine."

However, this communication was available with the Respondent while passing the impugned order, but obviously, it was not referred for the reasons best known to them. Since the charge itself is not sustainable in view of the communication dated 26-3-1999, no punishment could be imposed. Under those circumstances, I am inclined to set aside the order of termination.

5. Accordingly, the order of termination is set aside. The petitioner shall be reinstated into service forthwith.

6. The Writ Petition is accordingly, allowed.