



**(SHOW CAUSE NOTICE BEFORE ADMISSION)
IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)**

MONDAY, THE THIRTIETH DAY OF JANUARY

TWO THOUSAND AND TWENTY THREE

**:PRESENT:
THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA**

WRIT PETITION NO: 1960 OF 2023

Between:

Yadlapalli Srinivas Rao, S/o. Brahmaiah, aged about 51 years, Occ APSRTC Driver (Under Suspension), R/o. 30-350, A.B.M Compound, Vinukonda, Guntur, Andhra Pradesh-522647.

Petitioner

AND

1. The Principal Secretary, Department of Transport, Road and Building, Andhra Pradesh Secretariat, Amaravathi, Guntur District, Andhra Pradesh.
2. The Commissioner Public Transport Department, Government of Andhra Pradesh, Amaravathi, Guntur Dist, Andhra Pradesh.
3. The Vice Chairmen and Managing Director, Andhra Pradesh State Road Transport Corporation, Pandit Nehru Bus Station, Governorpeta, Vijayawada, Andhra Pradesh.
4. The Depot Manager, Vinukonda, Guntur Dist, Andhra Pradesh.
5. The Dist Public Transport Officer, APSRTC, Narasaraopeta, Palnadu Dist, Andhra Pradesh.

Respondents

WHEREAS the Petitioner above named through his Advocate Sri JADA SRAVAN KUMAR presented this Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ Order or direction particularly, one in the nature of writ of Mandamus declaring the action of the 4th respondent in issuing impugned suspension proceeding vide its proceeding No P3/118(01)/2023-VK dated 09.01.2023 and followed charge sheet under clause 28 of APSRTC Employees (Conduct) Regulations-1963 without jurisdiction and without observing the Andhra Pradesh State Road Transport Corporation (Absorption of employees into Government Service) Act-2019 and GO MS NO 50,51 and 52 dated 31.12.2019 as illegal, arbitrary and violation of principles of natural justice and also Article 14, 19, 21 and 300-A of the Constitution of India and consequently set aside the proceeding

No P3/118(01)/2023-VK dated 09.01.2023 as the regulation are no more in force in view of GO MS NO 50,51 and 52 dated 31.12.2019 .

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of Sri JADA SRAVAN KUMAR Advocate for the Petitioner and of GP FOR TRANSPORT ROAD DEPARTMENT for Respondent Nos.1 to 3, Sri M SOLOMON RAJ ,Advocate for Respondent Nos. 4 and 5, directed issue of notice to the Respondents herein to show cause as to why this WRIT PETITION should not be admitted.

You viz:

1. The Principal Secretary, Road and Building, Andhra Pradesh Secretariat, Amaravathi, Guntur District, Andhra Pradesh.
2. The Commissioner Public Transport Department, Government of Andhra Pradesh, Amaravathi, Guntur Dist, Andhra Pradesh.
3. The Vice Chairmen and Managing Director, Andhra Pradesh State Road Transport Corporation, Pandit Nehru Bus Station, Governorpeta, Vijayawada, Andhra Pradesh.
4. The Depot Manager, Vinukonda, Guntur Dist, Andhra Pradesh.
5. The Dist Public Transport Officer, APSRTC, Narasaraopeta, Palnadu Dist, Andhra Pradesh.

are be and hereby directed to show cause either appearing in person or through an Advocate, as to why in the circumstances set out in the petition and the affidavit filed therewith(copy enclosed) this WRIT PETITION should not be admitted on or before 29.08.2022, on which date the case stands posted for hearing.

IA NO: 1 OF 2023

Petition under Section 151 CPC is filed praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to temporarily suspend the impugned proceedings of Suspension and consequential charge memo issued by the 4th respondent vide its proceeding No P3/118(01)/2023-VK dated 09.01.2023 duly re-instating the petitioner into services until further orders and pass, pending disposal of WP No. 1960 of 2023, on the file of the High Court.

The Court made the following: ORDER

"Notice before admission.

In the opinion of this Court, a *prima facie* case is made out. This Court is *prima facie* of the opinion that the order of suspension and the Charge Memo are relying upon the guidelines/regulations, which *prima facie* do not appear to be in force.

For filing counter, list the matter on 27.02.2023.

Meanwhile, there shall be an interim suspension as prayed for. ”

SD/- B.CHITTI JOSEPH

ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To,

1. The Principal Secretary, Road and Building, Andhra Pradesh Secretariat, Amaravathi, Guntur District, Andhra Pradesh.
2. The Commissioner Public Transport Department, Government of Andhra Pradesh, Amaravathi, Guntur Dist, Andhra Pradesh.
3. The Vice Chairmen and Managing Director, Andhra Pradesh State Road Transport Corporation, Pandit Nehru Bus Station, Governorpeta, Vijayawada, Andhra Pradesh.
4. The Depot Manager, Vinukonda, Guntur Dist, Andhra Pradesh.
5. The Dist Public Transport Officer, APSRTC, Narasaraopeta, Palnadu Dist, Andhra Pradesh. (Addressess 1 to 5 by RPAD- along with a copy of petition and affidavit)
6. One CC to SRI. JADA SRAVAN KUMAR Advocate [OPUC]
7. One CC to SRI. M SOLOMON RAJ Advocate [OPUC]
8. Two CCs to GP FOR TRANSPORT ROAD DEPARTMENT ,High Court Of Andhra Pradesh. [OUT]
9. One spare copy.

psk

HIGH COURT

NVJ

DATED:30/01/2023

POSTON 27.02.2023

NOTICE BEFORE ADMISSION

WP.No.1960 of 2023

INTERIM SUSPENSION

