

Md. Imthiaz Vs. Managing Director, Apsrtc, Hyd. and Another

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SooperKanoon Citation : sooperkanoon.com/434413

Court : Andhra Pradesh

Decided On : Mar-08-2000

Reported in : 2000(3)ALD19; 2000(3)ALT424

Judge : M.S. Liberhan, CJ. and ;T. Ch. Surya Rao, J.

Acts : [Constitution of India](#) - Article 16

Appeal No. : WA No. 197 of 2000

Appellant : Md. Imthiaz

Respondent : Managing Director, Apsrtc, Hyd. and Another

Advocate for Def. : Mr. G. Jyothikiran, SC for APSRTC

Advocate for Pet/Ap. : Mr. A.K. Jayaprakash Rao, Adv.

Judgement :

ORDER

M.S. Liberhan, CJ.

1. Challenging the judgment dated 9th August, 1999 passed by a learned single Judge of this Court dismissing the writ petition, the present writ appeal is preferred.

2. Learned Counsel for the appellant submits that the Andhra Pradesh State Road Transport Corporation has issued a Circular dated 6th July, 1989 to the effect that the children of the retired employees who sought voluntary retirement would be considered for the posts of Conductors and Cleaners as per the instructions issued on the subject. He further submits that the father of the appellant has been retired from service seeking voluntary retirement after serving the Corporation for 20 years under the impression that Corporation will consider the case of the appellant for the post of Conductor in the light of the above circular. Since the case of the appellant was not considered for appointment to the post of Conductor, he preferred the writ petition, it was argued before the learned single Judge that the father of the appellant-writ petitioner was retired from service voluntarily on medical grounds. But the learned Judge found the same as factually incorrect. He observed that the appellant is not entitled to claim any post in the Corporation since his father was not retired from service on medical grounds but opted to retire voluntarily under the 'Voluntary Retirement Scheme'.

3. Be that as it is, the very concession, provided in the circular to the effect that the employee seeking voluntary retirement after serving about 20 years in the Corporation creates a right in his children to be considered for appointment to the posts of Conductors and Cleaners in preference to other candidates, runs contrary to the very basic principle enshrined in the Article 16 of the Constitution providing equality of opportunity in matters of public employment to every citizen of India. Succession provides no right to employment. Writ jurisdiction cannot be invoked to create a monopoly in favour of an employee once employed in the Department. The argument that after he has served the department for twenty years he may retire voluntarily and thereafter his children be accommodated and on their retirement voluntarily their children be accommodated, in our considered view, cannot be accepted. We see no grounds to interfere in the order of the learned single Judge. The writ appeal is dismissed. No costs.