

THE HON'BLE SRI JUSTICE DILIP B.BHOSALE

AND

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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WRIT APPEAL No.98 of 2007

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JUDGMENT: (per the Hon'ble Sri Justice Dilip B.Bhosale)

Heard Sri N.Vasudeva Reddy, learned Standing Counsel for the appellant and Sri K.Subhas Reddy, learned counsel for the respondent No.2.

2. This Writ Appeal is directed against the order dated 26.07.2006 passed in W.P.No.12038 of 1997 filed by the appellant. In the Writ Petition, the appellant questioned the order dated 09.12.1996 passed on E.P.No.11 of 1996 in I.D.No.109 of 1986 seeking direction to the appellant to reinstate the second respondent into service pursuant to the Award dated 08.10.1987 of the Labour Court-III, Hyderabad.

3. It appears that the second respondent was appointed as a Conductor prior to 1984 and was removed from service vide order dated 25.10.1984 after conducting disciplinary proceedings against him. Against the order dated 25.10.1984, the second respondent filed I.D.No.109 of 1986 before the Labour Court. The dispute was allowed vide Award dated 08.10.1987. Against the Award, the appellant filed W.P.No.9952 of 1988. In the Writ Petition, the Award was confirmed and the Petition was dismissed. When this round of litigation was going on, the second respondent applied for his appointment afresh as Conductor and accordingly he was selected and appointed vide order dated 15.02.1985. According to the appellants when the second respondent sought such employment in 1985, he suppressed that he was removed from service on earlier occasion. Once again action was taken against the second respondent for the alleged misconduct and he was removed from service on 05.07.1995. That removal was also challenged by the second respondent before the Labour

Court in I.D.No.34 of 2003. The Labour Court allowed I.D.No.34 of 2003 and accordingly he was reinstated into service in December, 2004 and superannuated on 31.01.2005.

4. Keeping this sequence of events in view and considering the reasons recorded by the learned Single Judge, dismissing the Writ Petition filed by the appellant, we find no merit in the appeal. The Writ Appeal is accordingly dismissed. Miscellaneous petitions pending, if any, stand disposed of. There shall be no order as to costs.

DILIP B.BHOSALE, J

A.RAMALINGESWARA RAO, J

Date: 26.03.2015

TJMR