

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.22910 OF 2012

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DATED: 11.03.2015
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Between:

RTC Telangana Mazdoor Union (Regd.No.4528)
Rep. by its Zonal Secretary, G.H. Zone, Hyderabad,
N. Kamalakar Goud

.. Petitioner

And

The Andhra Pradesh State Road Transport Corporation,
Rep. by its Depot Manager and another.

.. Respondents

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.22910 of 2012

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ORDER:
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This writ petition was filed assailing the action of the Andhra Pradesh State Road Transport Corporation (APSRTC) in seeking to effect recovery during pendency of conciliation proceedings before the Deputy Commissioner of Labour, Hyderabad.

By interim order dated 27.07.2012, this Court took note of the fact that conciliation proceedings were pending and accordingly directed the APSRTC to act strictly as per Section 33 of the Industrial Disputes Act, 1947 and effect recovery only if the Conciliation Officer granted permission in writing.

W.V.M.P.No.3081 of 2012 was filed by the APSRTC to vacate the said order, but in the counter-affidavit filed in support thereof, it is clearly conceded that the Deputy Commissioner of Labour, Hyderabad, issued notice to the APSRTC on 24.07.2012 scheduling a meeting to be held on 22.08.2012. The complaint of the learned

Standing Counsel for the APSRTC is that no conciliation proceedings took place thereafter.

However, the afore-stated facts demonstrate that the Conciliation Officer entered upon the proceedings by issuing a notice to the APSRTC. Therefore, it cannot be said that the conciliation proceedings have not commenced. Once the conciliation proceedings commence, the APSRTC is bound to act strictly in accordance with the statutory provisions.

It cannot therefore seek to effect recoveries without obtaining the prior permission of the Conciliation Officer.

Reserving liberty to the APSRTC to do so, this writ petition is closed.

Interim order dated 27.07.2012 shall stand vacated in the light of this final order. Pending miscellaneous petitions, if any, shall also stand closed. No order as to costs.

JUSTICE SANJAY KUMAR

11th March, 2015

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