

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION No.3921 of 2015

ORDER:

In somewhat similar circumstances, entertaining W.P.No.1301 of 2015 a detailed order has been passed by me on 30.01.2015. The operative portion of which reads as under:

“Insofar as the justification for the cat call strike is concerned, it is not for the petitioner trade union to raise such a plea at this stage. If the petitioner trade union has any grievance in that regard, it will have to take recourse elsewhere. Without going into the question of justification, an opportunity may be provided to the petitioners to establish that the assessment of revenue loss made by the Corporation is not realistic. For that purpose alone, the petitioner trade union may be provided an opportunity of hearing. For the said purpose, the proposed recovery of wages for the month of January 2015 payable during February, 2015 only may not be affected. In case the petitioner union demonstrates that the loss of revenue is proportionately far less than what has been estimated by the Corporation, an appropriately-modified recovery order be passed and given effect to immediately. The recoveries will be affected from March, 2015 onwards. It shall be open to the petitioners to draw a detailed representation and submit the same in support of their cause within a period of one week from today and the same will be taken into consideration by the Corporation.”

Even in the instant case, the learned counsel for the petitioner-trade union would submit that the representation submitted by it is now receiving serious consideration at the hands of Head Office of the Corporation and a decision is likely to emerge in a short time from now. But however, in the meantime the recovery proceedings are initiated and once the recoveries are affected, the members of the petitioner-union will suffer a great deal of hardship. Learned counsel for the petitioner would also urge that the petitioner – trade union is entitled to demonstrate to the satisfaction of the officers of the corporation that the quantification of loss estimated, on a realistic

basis is far less. Sri B.Mayur Reddy, learned standing counsel for the Corporation would urge that there could not have been any fixed formula for determining the loss of earnings or revenue of the Corporation and the same cannot be worked on a mathematical precision, certain element of calculations and imaginations will be employed. Therefore, the Corporation must be allowed to calculate the loss of revenue occurred to the corporation and then recover the same as agreed to by the trade union itself. While I concede that loss of revenue can not be assessed to the exact detail very precisely and certain amount of calculations on a hypothetical basis have to be worked out, but however, the respondent – corporation would do so, taking all relevant factors and circumstances into account and consideration. While calculating the loss of revenue, the possible saving of cost of diesel not utilized for the operations has to be kept in view. Similarly, while effecting recoveries, such of those drivers who are on approved sick leave and those who are on reserve but not booked for duties on the days when the cat call strike has been called have to be spared from the recoveries.

Sri B.Mayur Reddy, learned Standing Counsel would submit that in not less than two weeks from now, the entire exercise would be completed by the Corporation.

With this, the writ petition stands disposed of. No costs.

The miscellaneous petitions, if any, pending in this writ petition shall stand closed.

JUSTICE NOOTY RAMAMOHANA RAO

