

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.7433 of 2005

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ORDER:

The petitioner, a Conductor in the service of the Andhra Pradesh State Road Transport Corporation (APSRTC), filed this Writ Petition aggrieved by the action of the APSRTC in not re-fixing his salary by allowing him notional increments for the period that he remained out of employment, that is, from 14.08.1984 to 24.07.1992. A consequential direction was sought to pay the petitioner difference of wages from the date of his reinstatement till date as arrears.

The petitioner was removed from service for certain cash and ticket irregularities. Aggrieved thereby, he invoked the jurisdiction of the Labour Court, Hyderabad, under Section 2-A(2) of the Industrial Disputes Act, 1947, in I.D.No.570 of 1988. By Award dated 30.12.1991, the Labour Court set aside the order of removal passed against the petitioner on the ground of proportionality of the punishment while affirming the findings against him as to the commission of irregularities and directed the APSRTC to reinstate him in service with continuity of service but without back wages. The prayer of the petitioner is that in the light of the continuity of service granted to him by the Labour Court, he would be entitled to attendant benefits for the period that he remained out of service, and therefore the APSRTC would have to re-fix his salary.

The Law Officer, APSRTC, Hyderabad, filed a counter-affidavit stating that in the light of the law laid down by the Supreme Court in **APSRTC AND ANOTHER v. S.NARSAGOUD**, the workman would not be entitled to claim attendant benefits on the basis of a mere direction to grant continuity of service. The Supreme

Court, in the afore-stated decision, held that an employee could not claim notional benefits for the period that he remained out of service in the absence of a specific direction in that regard.

In the light of the afore-stated legal position and given the fact that the petitioner was found guilty of the charges but was granted relief only on the ground of proportionality of the punishment and was only granted continuity of service and nothing further, he has no right to claim any attendant benefits.

The Writ Petition is devoid of merit and is accordingly dismissed.

Pending miscellaneous petitions shall also stand dismissed. No order as to costs.

SANJAY KUMAR, J

9th OCTOBER, 2015.

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