

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD  
FOR THE STATE OF TELANGANA AND THE STATE OF  
ANDHRA PRADESH

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WRIT PETITION NO.6298 OF 2005

Between:

Kodali Rani

... Petitioner

and

The Depot Manager, APSRTC, Gannavaram  
Depot, Gannavaram, Krishna District,  
and others.

... Respondents

DATE OF JUDGMENT PRONOUNCEMENT : 31<sup>st</sup> JULY, 2015

**SUBMITTED FOR APPROVAL:**

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**THE HON'BLE SRI JUSTICE SANJAY KUMAR**

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|----|---------------------------------------------------------------------------|--------|
| 1. | Whether Reporters of Local newspapers may be allowed to see the judgment? | Yes/No |
| 2. | Whether the copies of judgment may be marked to Law Reporters/Journals    | Yes/No |
| 3. | Whether their Lordship wishes to see the fair copy of the judgment?       | Yes/No |

**THE HON'BLE SRI JUSTICE SANJAY KUMAR**

**WRIT PETITION NO.6298 OF 2005**

**ORDER**

Unsuccessful before the Labour Court, Guntur, in I.D.No.131 of 1997, the workman is before this Court by way of this writ petition challenging the NIL Award dated 31.01.2004 passed therein.

The claim of the petitioner was that she joined the service of the Andhra Pradesh State Road Transport Corporation (APSRTC) as a sweeper at Gannavaram Bus Station on 05.09.1987 and continued thereafter at its Gannavaram Depot in Krishna District, and worked up to 30.04.1990. While so, on 01.05.1990 she was orally informed that her services were terminated. Complaining that such termination was effected without following the due procedure, she filed the subject I.D. under Section 2-A(2) of the Industrial Disputes Act, 1947 (for brevity, 'the Act of 1947').

The APSRTC contested the ID asserting that there was no relationship of employee and employer between the petitioner and itself, as its records did not reflect the appointment of the petitioner. The APSRTC asserted that the delay of seven years in filing the ID negated the claim of the petitioner. It also contended that the provisions of Section 25-F of the Act of 1947 would not apply to the petitioner.

The petitioner filed a rejoinder claiming that she was led to believe that she would be taken back into service and therefore, the delay on her part in filing the ID could not be held against her.

The petitioner examined three witnesses and marked Exs.W1 to

W12, while the APSRTC examined two witnesses and marked Exs.M1 to M15 in evidence.

Upon consideration of the material on record, the Labour Court found that the petitioner failed to substantiate that she was in service for a period of 240 days in the calendar year immediately preceding her alleged termination from service. Though some of the witnesses examined by the parties spoke of the petitioner rendering service in the APSRTC, there was no certification by any of them to the effect that she fulfilled the requirement of having put in 240 days of service in the calendar year before her alleged termination from service.

Another sweeper in the service of the APSRTC at Gannavaram Depot was examined as MW.1 and as per his evidence, pay orders and receipts were available with him in proof of his having been appointed by the APSRTC. However, the petitioner had no such document in support of her claim. She relied upon a note book which was maintained by her, but the same had no authentication, as it was not signed and stamped by the competent authority of the APSRTC so as to lend credibility to the entries therein.

Though the petitioner claimed to have worked in the APSRTC from 1987 to 1990, what is relevant for the purposes of attracting Section 25-F of the Act of 1947 is that she should satisfy the requirement of Section 25-B(2) of the Act of 1947, i.e., she should have put in at least 240 days of service in the twelve month period immediately preceding her alleged termination from service. In the present case, the Labour Court found that the petitioner failed to substantiate this basic requirement and therefore held that she could not claim the protection of Section 25-F of the Act of 1947.

This Court is unable to find any irregularity in the reasoning of the Labour Court and no material is shown to this Court to take a different view. Unless the petitioner cleared the preliminary hurdle of establishing fulfillment of the condition prescribed in Section 25-B(2) of the Act of 1947, she could not expect any relief in the matter. As she failed to clear

this hurdle, the Award of the Labour Court non-suiting her on this ground does not warrant interference by this Court.

The writ petition is therefore devoid of merit and is accordingly dismissed. Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

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**SANJAY KUMAR, J**

**31<sup>st</sup> JULY, 2015**

**PGS**