

THE HON'BLE SRI JUSTICE DILIP B. BHOSALE
AND
THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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WRIT APPEAL No.55 of 2015

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

This Writ Appeal, by the Andhra Pradesh State Road Transport Corporation (for short “the Corporation”), is against the order dated 31.12.2013, allowing the Writ Petition filed by respondent No.1. By the impugned order, punishment of dismissal/removal of respondent No.1 from service has been set aside, holding that he is deemed to be in service from the date of his removal till the date he attained superannuation. By this order, attendant benefits were also granted in favour of respondent No.1 making it clear that he would not be entitled to back wages for the period during which he was out of employment/not on duty.

It has come on record that from 25.06.1998, the date on which he was removed from service, till he attained the age of superannuation in May 2013, he was out of service. In this view of the matter, learned Counsel for the parties, in particular learned Counsel for respondent No.1, have agreed for the order that we propose to pass. Learned Counsel for respondent No.1 has also placed a Memo, dated 05.02.2015, agreeing for such order. Learned Counsel for the parties have also fairly stated that we need not record reasons for the following order.

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ORDER

- i) The order of the learned single Judge, setting aside the punishment of dismissal/removal of respondent No.1, inflicted by the Enquiry Officer and confirmed by the Tribunal, dated 09.10.2002 in I.D.No.207 of 1999 stands confirmed.

- ii) Respondent No.1, however, shall not be entitled for back wages for the period, during which he was out of employment/not on duty i.e., since 25.06.1998 till May 2013.
- iii) Insofar as retiral benefits are concerned, respondent No.1 will be entitled for the same having regard to the period during which he actually rendered service. In other words, he shall be entitled for retiral benefits only for the period during which he actually worked or was on duty.
- iv) It is made clear that respondent No.1 shall not be entitled for continuity of service and attendant benefits.
- v) It is needless to mention that the appellant-Corporation, shall release the dues in the light of this order, if any, to respondent No.1, as expeditiously as possible, and preferably within a period of three months from the date of receipt of a copy of this order.

Thus, the order of the learned single Judge stands modified to the extent as indicated above.

The Writ Appeal is, accordingly, disposed of. The miscellaneous petitions, if any, also stand disposed of. There shall be no order as to costs.

(DILIP B. BHOSALE, J)

(A.RAMALINGESWARA RAO, J)

05.02.2015
vs

