IN THE HIGH COURT OF JUDICATURE AT HYDERABAD

FOR THE STATE OF TELANGANA AND THE STATE OF

ANDHRA PRADESH

****

WRIT PETITION NO.19865 OF 2005

DATED 13th OCTOBER, 2015

Between:

G. Ram Reddy .. Petitioner

and

The Regional Manager, APSRTC,

Sangareddy, Medak District

and another .. Respondents

THE HON'BLE SRI JUSTICE SANJAY KUMAR

-

WRIT PETITION NO.19865 OF 2005

O R D E R

The petitioner, a driver in the service of the Andhra Pradesh State Road Transport Corporation (APSRTC), was aggrieved by its action in not adding notional increments for his out of service period, that is, from 15.10.1992 to July, 1997. A consequential direction was sought to the APSRTC to refix his pay by adding notional increments for the above period and for consequential benefits.

The petitioner was removed from service by order dated 12.03.1993 which was the subject matter of I.D. No.127 of 1994 before the Labour Court-II, Hyderabad. By Award dated 07.01.1997, the Labour Court set aside the removal order and directed his reinstatement in service with all benefits like continuity of service etc., but without back wages.

Sri V. Narsimha Goud, learned counsel for the petitioner, contended that when all benefits were granted by the Labour Court, the APSRTC was bound to extend to the petitioner the notional increments for the period that he remained out of service. He relied on the order dated 11.09.1994 passed by this Court in W.P.No.1633 of 2004. Therein, this Court while dealing with an identical direction of the Labour Court, opined that when the workman is granted all benefits, including continuity of service, there can be no reason as to why he should be deprived of the notional increments for the period that he remained out of service and that the law laid down by the Supreme Court in ***A.P.SRTC V/s. ABDUL KAREEM*** and ***A.P.S.R.T.C. V/s. S. NARSA GOUD*** would not apply.

Sri Y.N.Anjaneya Charyulu, learned counsel representing Sri N. Vasudeva Reddy, learned standing counsel for the Telangana State Road Transport Corporation, the successor-in-interest of the erstwhile APSRTC in the State of Telangana, fairly conceded that this issue is settled and that in the light thereof, the petitioner is entitled to relief.

The writ petition is accordingly allowed. The APSRTC shall extend to the petitioner notional increments for the period 15.10.1992 to July, 1997, being the period that he remained out of service, refix his pay accordingly and pay him all consequential benefits. This exercise shall be completed expeditiously and in any event, not later than eight weeks from the date of receipt of a copy of this order. Pending miscellaneous petitions shall stand closed in the light of this final order. No order as to costs.

_____

SANJAY KUMAR, J

13th OCTOBER, 2015

Svv