

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

-
WRIT PETITION No.41570 OF 2015
-

ORDER:

The present writ petition came to be filed seeking issuance of writ of *mandamus* declaring the proceedings issued by respondent Nos.2 and 3 in No.DSP/785(154)/2013-RR, dated 10.12.2014 and No.P2/255(1)/2014-TDR, dated 15.12.2014, in reinstating the petitioner into service without continuity of service and attendant benefits as illegal and arbitrary and grant all consequential benefits.

2. Heard Sri A.K. Jaya Prakash Rao, learned counsel for the petitioner and Sri N.Vasudeva Reddy, learned Standing Counsel for respondent-Corporation.

3. The petitioner herein, who was working as Conductor, was removed from service for the cash and ticket irregularities. After exhausting departmental remedy, he raised an Industrial Dispute in I.D.No.149 of 2000 (old I.D.No.401 of 2000), which was dismissed. Aggrieved by the same, he filed W.P.No.14444 of 2002, which was allowed by this Court on 31.12.2013 holding as under:

“The finding of the learned Presiding Officer of the Industrial Tribunal is without proper reasoning and is perverse. Consequently, the order of the Tribunal is set aside. The petitioner is found not guilty of the charge levelled against him. The removal of the petitioner consequently is set aside. The petitioner is directed to be reinstated into service with continuity of service and attendant benefits. He shall however be not entitled to back wages from the date of removal till the date of reinstatement.”

4. Challenging the same, the Corporation preferred an appeal in W.A.No.1170 of 2014. A Division Bench of this Court, by an Order, dated 05.09.2014, in W.A.M.P.No.2837 of 2014 in W.A.No.1170 of 2014, declined to stay the operation of the Order passed in the above writ petition. Respondent No.2-Regional Manager, Ranga Reddy Region, M.G.B.S., Hyderabad-, issued an Office Order, dated 10.12.2014 by taking into consideration the opinion of the Senior Law Officer, dated 03.11.2014, wherein and whereunder, the authority held that the petitioner herein shall be reinstated into service but without continuity of service and attendant benefits subject to the result of the Writ Appeal No.1170 of 2014. The said action is challenged before this Court.

5. It is to be noted that in W.A.No.1170 of 2014 a Division Bench of this Court refused to stay the operation of the Order in W.P.No.14444 of 2002. Therefore, the authorities ought to have implemented the order passed in W.P.No.14444 of 2002 in its entirety instead of implementing the same in part.

6. For the aforesaid reasons, the Writ Petition is disposed of directing the respondent No.2 to pass orders in accordance with law having regard to the orders passed by this Court in W.P.No.14444 of 2002 and in W.A.M.P.No.2837 of 2014 in W.A.No.1170 of 2014, at the earliest preferably within a period of eight (08) weeks from the date of receipt of a copy of this Order.

Miscellaneous Petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

-

JUSTICE C. PRAVEEN KUMAR

Date:23.12.2015

INL