

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

**TUESDAY, THE FIRST DAY OF DECEMBER TWO
THOUSAND AND FIFTEEN**

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Present

HON'BLE SRI JUSTICE P.NAVEEN RAO

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WRIT PETITION No.24837 of 2015

Between:

Vemula Venkatamma,
W/o. Late Radha Swamy,
Aged 60 years,
Occ: Ex Employee of Municipal Corporation,
R/o.H.No.2-78,
Pallevelupula locality of Bheemaram Village,
Hanamakonda Mandal,
Warangal District.

.. Petitioner

AND

The State of Telangana,
Rep. by its Principal Secretary,
Municipal Administration and Urban Development,
Secretariat, Hyderabad & 2 others

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Respondents

The Court made the following:

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HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.24837 of 2015

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ORDER:

The petitioner was terminated from service by proceedings, dated 01.12.1992. Aggrieved by the termination, the petitioner raised industrial dispute in I.D.No.117 of 1994, on the file of the Industrial Tribunal-cum-Labour Court, Warangal. An award was passed in I.D.No.117 of 1994 on 19.11.1994, whereunder the petitioner was directed to be reinstated into service with continuity of service, back wages and attendant benefits. Aggrieved by the order of termination, the respondent Municipal Corporation filed W.P.No.27049 of 1995. During the pendency of the writ petition, the petitioner was reinstated on 19.09.1997. Taking note of the reinstatement granted to the petitioner and the subsequent termination on 22.04.1998, this Court was not inclined to interfere with the award passed by the Labour Court and the writ petition was dismissed. The petitioner's grievance is that she is entitled to the monetary benefits for the period she was not allowed to resume duties and claiming the same she filed E.P.No.9 of 2001 and the said E.P. is pending consideration of the Labour Court. This writ petition is filed contending that the petitioner is old-aged widow and there were certain undisputed amounts to which the petitioner is entitled and those amounts should be settled to the petitioner, notwithstanding the pendency of E.P.No.9 of 2011.

2. Learned Standing Counsel opposes on the maintainability of the writ petition at this stage since E.P.No.9 of 2011 is pending consideration by the Labour Court. According to the learned Standing Counsel, whatever the amounts payable to the petitioner were already paid.

3. Since the E.P. is pending consideration of the Labour Court, whether the petitioner is entitled to make claim for the amounts as claimed in the E.P. and whether the amounts payable to the petitioner are already paid is the matter for consideration by the Labour Court. Thus, even before the E.P. is considered and appropriate order is passed, this Court cannot go into the rival claims on the issue of payment of monetary benefits to the petitioner as a consequence to the award passed by the Labour Court in I.D.No.117 of 1994 and this Court is not inclined to entertain the writ petition.

4. The Writ Petition is, accordingly, dismissed, leaving it open to the petitioner to prosecute the E.P.No.9 of 2011, pending on the file of the Labour Court, Warangal, and it is always open to the petitioner to work out her remedies as available in law, if she is not satisfied with the orders passed by the Labour Court in the pending E.P. Having regard to the fact that the issue relates to termination in the year 1992 and reinstatement as a consequence to the award passed in I.D.No.117 of 1994 on 19.09.1997 and having regard to the age of the petitioner, the Labour Court is requested to consider the E.P. and pass appropriate orders, as expeditiously as

possible, preferably within a period of two (2) months from the date of receipt of copy of this order. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

P.NAVEEN RAO, J

Date: 1st December, 2015

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HON’BLE SRI JUSTICE P.NAVEEN RAO

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WRIT PETITION No.24837 of 2015

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Date: 1st December, 2015

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