

THE HON'BLE SRI JUSTICE SANJAY KUMAR

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WRIT PETITION No.20504 of 2005

ORDER:

The Andhra Pradesh State Road Transport Corporation (APSRTC) filed this writ petition through its Depot Manager, Jangaon Bus Depot, Warangal District, assailing the order dated 08.08.2005 passed by the Industrial Tribunal-cum-Labour Court, Warangal (for brevity 'the Tribunal'), in E.P.No.9 of 2003. By the said order, the Tribunal took note of the fact that the APSRTC had paid the decree-holder/workman a sum of Rs.62,296/-, being 50% of the back wages payable according to it, and directed the APSRTC to deposit the balance 50% of Rs.62,296/- within two weeks.

By order dated 19.09.2005, this Court granted interim suspension of the impugned order dated 08.08.2005.

Initially, the 1st respondent/workman had filed I.D.No.141 of 1995 before the Tribunal aggrieved by his removal from service and by Award dated 10.11.2009, the Tribunal ordered his reinstatement into service with back wages and continuity of service, while imposing the lesser punishment of stoppage of one annual increment without cumulative effect. This Award was subjected to challenge by the APSRTC before this Court in W.P.No.5693 of 2000. The said writ petition was allowed in part, by order dated 13.02.2009, confirming the Award of the Tribunal to the extent of reinstatement, continuity of service and stoppage of one increment but reducing the entitlement of the

1st respondent/workman to 50% of the back wages.

Sri P.Sridhar Rao, learned counsel for the 1st respondent/workman, informed this Court that during the pendency of W.P.No.5693 of 2000, the Award passed in I.D.No.141 of 1995 was suspended subject to the condition that the APSRTC deposits 50% of the back wages within a

time frame. As the APSRTC failed to do so, the workman filed E.P.No.9 of 2003 before the Tribunal under Section 11-B of the Industrial Disputes Act, 1947, for execution of the Award on the ground that the stay no longer operated owing to the failure on the part of the APSRTC to comply with the condition imposed. Taking note of this submission, the Tribunal, by the impugned order dated 08.08.2005, directed the APSRTC to deposit the balance 50% of the back wages as it had already remitted 50% of the back wages to the 1st respondent/workman by way of a cheque.

Sri P.Sridhar Rao, learned counsel, stated that in the light of the modification of the Award dated 10.11.1999 passed by the Tribunal in I.D.No.141 of 1995 by this Court vide order dated 13.02.2009 in W.P.No.5693 of 2000, the entitlement of the 1st respondent/workman is only to 50% of the back wages. The said amount, as computed by the APSRTC, has already been paid. He therefore states that liberty may be given to his client to agitate the quantum in this regard and that the cause in this writ petition no longer survives for consideration.

Recording the said statement, the writ petition is allowed setting aside the order dated 08.08.2005 passed by the Industrial Tribunal-cum-Labour Court, Warangal, in E.P.No.9 of 2003. The 1st respondent/workman would however be at liberty to canvass his grievance as regards the quantum of the wages, payable to him towards 50% of the back wages, in accordance with law before the appropriate forum.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

Date:07.10.2015

GJ