

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

WRIT APPEAL No.956 of 2014

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P.C.: (per Hon'ble Sri Justice A.Ramalingeswara Rao)

This Writ Appeal is directed against the order in W.P.No.27539 of 2007 dated 13.08.2013. The writ appeal is preferred by the Corporation, which was the respondent in the writ petition. Writ Petition was filed challenging the award dated 24.03.2007 made in I.D.No.10 of 2005 on the file of the Labour Court-II, Hyderabad.

Respondent-writ petitioner was working as a driver under the appellants. While he was driving the vehicle bearing No.AP11-Z-172 on 06.03.2004 in between Bodhan and Hyderabad via Nizamabad, one pedestrian came on to the road behind back of group of people who were playing holi and fell down on the road at Medchal and sustained head injuries. The injured succumbed to injuries while undergoing treatment at Gandhi Hospital, Secunderabad, on 06.03.2004. The driver of the vehicle, respondent in the appeal, informed the same to the Police as well as Medchal RTC Depot. Initially, the respondent herein was suspended from service on the ground that a case under Section 304-A IPC was registered for the said accident. Charges were framed for misconduct in terms of Regulation 28 of APSRTC Employees (Conduct) Regulations, 1963. After conducting an enquiry, the petitioner was removed from service. His appeal to the Divisional Manager, Nizamabad, was rejected on merits on 06.09.2004. The Review Petition submitted to the Regional Manager, Nizamabad, was also rejected on merits. Challenging the same, respondent herein approached the Labour Court. By order dated 24.03.2007, the Labour Court has directed the appellants to take into service the respondent as a fresh candidate. Thus, the petition

filed by the respondent was partly allowed and the order of removal dated 24.06.2004 was set aside. Challenging the same, respondent herein filed W.P.No.27539 of 2007 and the learned Single Judge allowed the writ petition by setting aside the order of the Labour Court and directed the appellants to reinstate the respondent with backwages as if he was in continuous service even from and after 31.03.2004. Challenging the said order of the learned Single Judge, present writ appeal is filed by the appellants.

At the time of admission of the writ appeal, both the counsel agreed for disposal of the writ appeal on the following terms:

“The order passed by the learned Single Judge directing reinstatement of the respondent with full backwages and attendant benefits shall be modified to that of reinstatement of the respondent only with attendant benefits and without backwages.”

Separate memos are filed on behalf of the appellants and the respondent to the said effect.

In view of the same, the order of the learned Single Judge is modified to the following effect:

“The appellants are directed to reinstate the petitioner and give seniority of service with all attendant benefits and without any backwages from the date of his suspension from service to the date of reinstatement.”

The Writ Appeal is, accordingly, disposed of.

Miscellaneous petitions pending in the appeal, if any, also stand disposed of.

Dilip B.Bhosale, J

A.Ramalingeswara Rao, J

18th February, 2015.
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