

**THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO**

**WRIT PETITION No. 39787 OF 2014**

**ORDER:**

The petitioners herein sought for a writ of mandamus to direct the respondents to rectify the date of their reinstatement as 15.04.1986 instead of March 1990 and to grant all consequential benefits flowing there from.

The case of the petitioners is that both of them have joined the organization in March 1990 as Junior Lineman at Bhimavaram. This is the specific case set up by them in paragraph 2 of the affidavit filed in support of this Writ Petition. However, it is pointed out by them in paragraph 3 that when the respondents tried to terminate their services, I.D. No. 36 of 1985 was filed before the Labour Court and the said Industrial Dispute was disposed of on 15.04.1986 directing reinstatement of 23 casual labour and also payment of back wages and other attendant benefits. It is their further case that the Electricity Board preferred a Writ Petition against the Award passed by the Labour Court and the High Court has modified the Award passed by the Labour Court, by its order passed on 28.01.1994 in Writ Petition No. 12972 of 1986. It will be appropriate to notice from this order that the High Court has remanded the case to the Labour Court for fresh disposal to determine whether the 13 persons referred to in the additional affidavit filed by the Electricity Board and others have been employed elsewhere during the period subsequent to the termination of their services. It will also be appropriate to notice from the said order the 13 names said to have been referred to in the additional affidavit filed by the Electricity Board. The first name is that of Sri J. John. It is probably the same name as that of the 2<sup>nd</sup> petitioner herein. The fourth name is Sri P. Suryanarayana Raju, the 1<sup>st</sup> petitioner herein. It is therefore, clear from the order that the matter has been remanded by this Court for consideration afresh, while simultaneously confining the payment of back wages to the extent of 50% only. It will

also be appropriate to notice that the date of reinstatement has followed thereafter. There is no specific mention in the order passed by this Court that the petitioners, who approached the Labour Court including the present two petitioners, are entitled for reinstatement into service and also for the benefit of continuity of service. The petitioners have not placed before me the copy of the Award said to have been passed by the Labour Court in I.D. No. 36 of 1985 said to have been instituted by them. Therefore, in the absence of any material forming part of the Writ Petition paper book, indicating that the petitioners have been directed to be reinstated into service with the benefit of continuity of service by the Labour Court or by this Court in the Writ Petition entertained there against, it will not be possible to infer that the benefit of continuity of service is conferred upon the petitioners. Without that benefit being accorded by the Labour Court or by this Court, the petitioners now cannot turn round and ask for the benefit of continuity of service.

This apart, the petitioners have been reinstated long years back. They have not raised any dispute thereafter. More than 20 years later on, they filed this Writ Petition seeking the benefit of continuity of service, coupled with the benefit of casual service rendered by them. For the inordinate and unexplained delay and latches on the part of the petitioners, this Writ Petition deserves to be dismissed and accordingly, it is dismissed at the admission stage. No costs.

Consequently, the miscellaneous applications, if any shall also stand dismissed.

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**NOOTY RAMAMOHANA RAO, J**

21<sup>st</sup> January 2015

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