

HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.22908 of 2012

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Date: February 23, 2015

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Between:

RTC Telangana Mazdoor Union
(Regd. No.4528), rep. by its Zonal
Secretary, G.H.Zone, Hyderabad,
N. Kamalakar Goud.

... Petitioner

and

1. The Andhra Pradesh State Road
Transport Corporation, rep. by its
Depot Manager, Hayathnagar-2
Depot, Hyderabad & another.

... Respondents

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ORDER:

This writ petition was filed assailing the action of the Andhra Pradesh State Road Transport Corporation (APSRTC) in seeking to effect recovery during the pendency of conciliation proceedings before the Assistant Commissioner of Labour, Ranga Reddy District, Hyderabad.

2. By order dated 27.07.2012, this Court directed the APSRTC to take action strictly in accordance with Section 33 of the Industrial Disputes Act, 1947, and effect recovery only if the Conciliation Officer grants permission in writing.

3. Though a vacate stay petition in W.V.M.P.No.3082 of 2012 was moved by the APSRTC to vacate the above order, it is conceded in paragraph 6 of the supporting counter-affidavit that the Assistant Commissioner of Labour, Ranga Reddy District, Hyderabad, fixed a joint meeting on 31.07.2012 which was thereafter postponed to 17.08.2012. The APSRTC further stated that a detailed report had been submitted to the Assistant Commissioner of Labour, Ranga Reddy District, Hyderabad. It is therefore a fact that conciliation proceedings are pending as on date. That being so, it is not open to the APSRTC to act in violation of the statutory provisions and it would necessarily have to comply with the requirements of Section 33 of the Industrial Disputes Act, 1947.

4. The writ petition is accordingly disposed of with the above observation. Pending miscellaneous

petitions shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J.

Date: February 23, 2015.

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HON'BLE SRI JUSTICE SANJAY KUMAR

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