

**THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY**

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WRIT PETITION NO.6888 OF 2015

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ORDER: (per Hon'ble Sri Justice Ramesh Ranganathan)

This Writ Petition is filed against the order passed by the A.P. Administrative Tribunal in O.A. No.652 of 2014 dated 20.06.2014. The respondent herein, a Deputy Commissioner of Labour, is the applicant in the O.A. He invoked the jurisdiction of the Tribunal to set aside the orders dated 18.12.2013 and 16.01.2013, and to direct the petitioners herein to pass appropriate orders enabling him to draw full salary and allowances for the period from 26.06.2012 to 16.01.2013.

The respondent herein was transferred vide G.O.Rt. NO.746 dated 25.06.2012 from Ranga Reddy District to report before the Government for further posting orders. He questioned the validity of the transfer orders in O.A. No.4494 of 2012. Interim orders were passed by the Tribunal on 29.06.2012 suspending G.O.Rt. No.746 dated 25.06.2012, and directing the petitioners herein to continue him as the Deputy Commissioner of Labour, Ranga Reddy District until further orders. On a vacate stay petition being filed by the petitioner herein in VMA No.1100 of 2012, the interim orders were vacated on 20.07.2012.

The respondent questioned the orders of the Tribunal, whereby the earlier interim orders was vacated, before this Court. By its order in W.P. No.23510 of 2012 dated 01.08.2012, a Division bench of this Court set aside the earlier order of the Tribunal, and remanded the matter back to the Tribunal for its fresh consideration. This Court made it clear that the earlier interim order of the Tribunal dated 29.06.2012 would continue till the disposal of the vacate stay petition. The Tribunal passed final orders in O.A. No.4494 of 2012 on 15.10.2012 setting aside the order of transfer passed in G.O.Rt. No.746 dated 25.06.2012. The petitioners herein were directed to repost the respondent herein as the Deputy Commissioner of Labour, Ranga Reddy District forthwith. Reposting orders were eventually issued on 16.01.2013. On the ground that he was denied salary from

29.06.2012 till he was re-posted on 16.01.2013, the petitioner filed O.A. No.652 of 2014. The Tribunal held that, since the interim order was in force ever since 25.06.2012, the respondent herein was entitled to have the period, from 26.06.2012 till 16.01.2013, treated as on duty. The petitioners herein were directed to pass orders within a period of two months.

Learned Government Pleader for Services would contend that, as the earlier interim orders passed by the Tribunal on 29.06.2012 was vacated by order dated 20.07.2012, and the said order continued to remain in force till it was set aside by this Court on 01.08.2012, the petitioner is not entitled to be paid salary for the said period; and, in any event, since he did not work during the said period, he is disentitled for payment of salary. We must express our inability to agree.

The order of the Tribunal in O.A. No.4494 of 2012 dated 15.10.2012, whereby the transfer orders issued in G.O.Rt. No.746 dated 25.06.2012 was set aside, has attained finality. As the transfer order has itself been set aside, the respondent herein must be held to have continued as the Deputy Commissioner of Labour, Ranga Reddy, even during the period from 25.06.2012 till 16.01.2013, when he was prevented from discharging his duties. The order of the Tribunal does not suffer from any legal infirmity warranting interference under Article 226 of the Constitution of India. The Writ Petition fails and is, accordingly, dismissed. The miscellaneous petitions pending, if any, shall also stand dismissed. No costs.

(RAMESH RANGANATHAN, J)

(M.SATYANARAYANA MURTHY, J)

Date:17-03-2015

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