

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

THE HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

WRIT APPEAL No. 1110 OF 2015

J U D G M E N T : (per Hon'ble Sri Justice Nooty Ramamohana Rao)

This Writ Appeal is directed against the order passed in Writ Petition No. 14322 of 2002. Respondents 2 to 9 in the Writ Petition are the appellants herein.

Tirumala Tirupati Devasthanams has called in question the correctness of the Award passed in I.D. Nos. 42 – 49 of 1999, dated 27.08.2001 by the Labour Court, Guntur. The Labour Court, by its Award, ordered for reinstatement, notwithstanding the fact that the appellants were engaged as casual manpower in the service of the Devasthanams, which runs a *Kalyanamandapam* in Vijayawada City. The only ground which was pressed before the learned Single Judge on behalf of Devasthanams is that reinstatement need not necessarily follow in every case and instead, a compensation can also be awarded in lieu of reinstatement, taking into account and consideration the relevant facts and circumstances of each case.

The learned Single Judge, who has noted the principles evolved in ***Bharat Sanchar Nigam Limited. V. Man Singh {(2012) 1 SCC 558}***, ***Assistant Engineer, Rajasthan Development Corporation v. Gitam Singh (Civil Appeal No. 8415 of 2009) (Judgments Today 2013 (2) SC 231)***, which, in turn, considered the earlier judgments of the Supreme Court in ***Harjinder Singh { (2010) 3 SCC 192}*** and ***Devinder Singh {(2011) 6 SCC) 584}***, held that the ends of justice would be met if the respondents are ordered to be paid compensation of Rs. 50,000/- to each of them and since the 7th respondent has already expired, the compensation may be paid to

his legal representatives.

We must also advert to the fact brought to our notice by Sri A.K. Jayaprakash Rao, learned counsel for Devasthanams that during the pendency of the Writ Petition between 2002 and 2015, all the respondents have been paid last wages drawn in terms of and in accordance with Section 17-B of the Industrial Disputes Act, 1947. Consequently, each of the respondents in W.P. were paid more than Rs. 1,00,000/- (Rupees one lac only) in that process. Devasthanams has also deposited the compensation amount of Rs. 50,000/- ordered by the Court now in the Writ Petition.

Sri Ratnam, learned counsel for the appellants would urge before us that there is no justification for modifying the Award passed by the Labour Court, inasmuch as Devasthanam requires the manpower to carry on its operations.

We are of the opinion that whether reinstatement of a workman, who was engaged on casual basis, should be ordered or not must necessarily precede with the examination of the right of such a workman to seek reinstatement and the necessity of the employer to engage the services of such person. Reinstatement into service is no longer an automatic affair or a single option affair. An alternative in the form of payment of compensation has now come to be considered as an appropriate measure of granting relief to the workman concerned.

The learned Single Judge has assigned true and valid reasons for arriving at the conclusion that it is not a case where reinstatement ought to have been ordered by the Labour Court and instead, awarding compensation would be an equitable one.

We do not find any infirmity, either legal or otherwise, in the conclusion drawn by the learned Single Judge, based upon the principle evolved by the Supreme Court. Further, we realized the fact

that the respondent Devasthanams has already complied with the judgment rendered by this Court by depositing the amount of compensation to the account of the respective appellants herein and also the fact that during the pendency of the Writ Petition, all the appellants have been paid wages under Section 17-B of the 1947 Act. Therefore, the Writ Appeal stands dismissed. No costs.

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

NOOTY RAMAMOHANA RAO, J

DR. B. SIVA SANKARA RAO, J

17th March 2016

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