

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION Nos.20007 & 20059 of 2014

COMMON ORDER:

These two writ petitions are being disposed of by this common order as they arise out of the applications filed by respondent No.3 before respondent No.2.

Respondent No.3 filed an application in S.A.No.4/2011, under Section 50 of the A.P. Shops and Establishments Act, 1988, before respondent No.2 stating that he joined as a clerk in the petitioner Bank on 11.05.1979 and his services were regularised on 23.06.1980. He was promoted as an Accountant with effect from 01.04.1997 and thereafter he was promoted as a Chief Accountant on 13.10.1997. He retired from service on 31.05.2011 after completing 32 years of service. It is stated that he is entitled for "Special Grade Scale", which was extended to his junior as per the G.O.Ms.No.290, Finance & Planning Department dated 22.07.1993 and he was dismissed from service with false allegations. Challenging the same, he filed S.A.No.1/2009. The said S.A. was allowed by the Deputy Commissioner of Labour, Anantapur, directing the petitioner to reinstate respondent No.3 into service and pay 50% of back wages. Respondent No.3 was reinstated into service and was paid 50% of back wages. When respondent No.3 gave a letter on

30.04.2011, one month prior to the date of his retirement, for settlement of his statutory dues, there was no settlement. The application before respondent No.2 was filed claiming leave encashment for 300 days for an amount of Rs.2,62,211/-, eight years promotional increment arrears amounting to Rs.1,03,187/-, and he sought payment of the said amount of Rs.3,65,398/- with three times penalty i.e., Rs.10,96,194/-.

A counter affidavit was filed by the petitioner herein before respondent No.2 denying the liability to pay the amount and respondent No.2, after considering the documentary evidence, vide order dated 21.05.2012 partly allowed the application of respondent No.3 by directing the petitioner herein to pay an amount of Rs.3,65,398/- towards encashment of earned leave and eight years Special Grade Scale arrears with interest @ 12% per annum from the date of petition i.e., 28.11.2011 to the date of realisation within 30 days from the date of receipt of the order. Against the said order, the petitioner herein preferred S.A.No.1/2014 before respondent No.1 and respondent No.1 dismissed the appeal, by order dated 24.04.2014, confirming the order of respondent No.2. Challenging the same, W.P.No.20007/2014 was filed.

When the same applicant-respondent No.3 filed an application in P.G.No.1/2012 before respondent No.2 claiming an amount of Rs.1,04,616/- with one time penalty of the same amount along with interest @ 18% per annum from the date of denial to the date of realisation, respondent No.2 considered the application and after hearing the petitioner herein, directed the petitioner herein to deposit an amount of Rs.1,04,616/- with interest @ 12% per annum from the date of filing the application i.e., 21.10.2011 till realisation, by its order dated 19.12.2012. The said order of respondent No.2 was challenged before respondent No.1 and respondent No.1 dismissed the appeal, preferred by the petitioner herein, confirming the order of respondent No.2, by its order dated 24.04.2014. Challenging the same, W.P.No.20059/2014 was filed.

Learned counsel for the petitioner submits that the authorities have not properly appreciated the documentary evidence adduced before them and the orders impugned are erroneous.

On the other hand, learned counsel for respondent No.3 submits that sufficient opportunity was given to the petitioner to file necessary documents and after considering the documents on either side, the orders were passed by the competent authority and when there is no error of jurisdiction, the orders cannot be interfered.

A perusal of the orders passed by respondent No.2 in both the cases shows that they were reasoned orders and the said orders were confirmed by respondent No.1 in both the writ petitions while giving due reasons. Learned counsel for the petitioner is unable to draw the attention of this Court with regard to the irregularity in the orders.

In the circumstances, these Writ Petitions are dismissed confirming the orders passed by respondent No.2 in both the writ petitions, as confirmed by respondent No.1. No order as to costs.

Miscellaneous Petitions pending, if any, shall stand closed.

29.08.2016
MVA

A.RAMALINGESWARA RAO, J

