

HONB'E JUSTICE CHALLA KODANDARAM

WRIT PETITION No.28095 OF 2008

ORDER:

The order dated 04.09.2008 passed by the 3rd respondent-appellate authority under the A.P. Shops and Establishment Act, 1988 (for short, "the Act") and in terms of Section 48 of the Act, is challenged before this Court.

The petitioner is the society. The first respondent approached the 2nd respondent alleging termination of the 1st respondent-employee on 30.03.2002 without following due process. After enquiry, the 2nd respondent made an order under Section 48 of the Act holding that the termination was illegal and directed the first respondent to be reinstated without back wages. The petitioner as well as the first respondent filed appeal before the third respondent-appellate authority invoking the provisions of Section 48 of the Act. The appellate authority directed reinstatement of the 1st respondent modifying the back wages to 33%. The society is before this Court challenging the orders of the appellate authority.

Considering the nature of the dispute involved, this Court suggested an amicable settlement, so as to resolve the dispute once for all. The suggestion made by this Court is that the first respondent shall be paid last pay drawn from 30.03.2002 i.e., the date of termination till the date of fresh employment to be provided by the petitioner society. The petitioner shall forego the back wages which were awarded by the appellate authority. Petitioner shall be reappointed within one week from the date of receipt of copy of the order and the scale of pay and other benefits shall be on par with the other similarly situated persons who are appointed by the petitioner society in 1996.

Learned counsel for both the parties submitted that the proposal made by this Court on 10.11.2016, was accepted and both the parties gave their consent for settlement.

With the above observations, the writ petition is disposed of. No order as to costs.

Miscellaneous petitions, if any pending in this writ petition shall stand closed.

Date:14.11.2016,
Gk.

CHALLA KODANDA RAM,J



THE HONB'E JUSTICE CHALLA KODANDARAM

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