

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 844 OF 2009

ORDER:

Assailing the Award dated 11.01.2008 in I.D. No. 268 of 2003 on the file of the Industrial Tribunal-cum-Labour Court, Anantapur, the Depot Manager, Andhra Pradesh State Road Transport Corporation, Chittoor-I Depot (henceforth referred to as 'the Corporation'), has come up with this Writ Petition.

The respondent workman was appointed as an Over Stamper/Helper in the petitioner Depot and worked as such from 13.06.1990 up to 13.02.1991. Though the respondent made a representation to the petitioner to regularize his services, the same was not considered and further, maintenance of acquittance rolls was stopped from 09.11.1991 onwards. Hence, he along with the others filed Writ Petition No. 11830 of 1991 seeking appointment to the post of Cleaner/Helper, in pursuance of Circular No. PD-83/1988, dated 01.09.1988, wherein this Court directed the petitioner Corporation to consider the case of the workmen. Consequent thereupon, the petitioner passed the Order dated 22.08.1992, rejecting the case of the respondent workman and therefore, terminating his services orally. Again, the respondent and others filed Writ Petition No. 1130 of 1997. The same also came to be disposed of giving liberty to the respondent workman to approach the Labour Court for redressal of his grievance. Pursuant to the same, he filed I.D. No. 268 of 2003. The Labour Court, after considering the material available on record, without giving any specific findings, directed re-instatement of the workman into service as a Casual Cleaner without continuity of

service and any other benefits. Aggrieved by the said directive, the Corporation filed this Writ Petition.

A counter-affidavit has been filed by the respondent workman. It has been stated therein that the petitioner, having obtained the order of suspension of the Award on condition of his complying with the provisions of Section 17-B of the Industrial Disputes Act, 1947, has not been obeying the said order.

Heard learned Standing Counsel for the petitioner Sri Aravala Rama Rao and Sri A. Chandra Sekhar, learned counsel for the respondent workman.

The facts are not in dispute. From a perusal of the material available on record as well as the Award dated 11.01.2008, it is evident that the Labour Court, considering the fact that the respondent has worked as a casual labour for a period of eight months from 13.06.1990 to 13.02.1991 and also the fact that the Corporation has been engaging the casual labour on contract basis from time to time and that the work in the Corporation is perennial in nature, took a sympathetic view and directed reinstatement of the respondent as a Casual Cleaner without continuity of service and without any other benefits. In the process, the Labour Court had also taken into consideration the unsuccessful attempts on the part of the workman before this Court on two occasions.

The learned Standing Counsel for the Corporation, today, on instructions, fairly submits that the Corporation would consider the case of the respondent for appointment as a Cleaner, afresh, on contract basis, which offer has readily been accepted by the respondent workman.

In this fact scenario, the Writ Petition stands disposed of with a direction to the Corporation to appoint the respondent workman, on contract basis, as a Casual Cleaner, subject to his approaching the Corporation within four weeks from the date of receipt of a copy of this order.

It is made clear that the appointment of the respondent workman shall be treated as a fresh one, hence, he shall not be entitled to any benefits whatsoever. No costs.

Consequently, the miscellaneous applications, if any shall also stand disposed of.

19th September 2016

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CHALLA KODANDA RAM, J

