

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

and

The Hon'ble Sri Justice G.Shyam Prasad

Writ Appeal Nos.823, 824, 826, 828 & 829 of 2016

Date: 07.09.2016

WA.No.823 of 2016

Between:

The Telangana State Road Transport Corporation
(Previously known as Andhra Pradesh State
Road Transport Corporation)
rep. by the Managing Director
Bus Bhavan, Musheerabad, Hyderabad and 2 others

... Petitioners

and

B.Anjaiah

...Respondent

**Counsel for the Petitioners: Mr.N.Praveen Kumar
for Mr.N.Vasudeva Reddy**

Counsel for the respondent: Mr.P.Venkateswara Rao

The Court made the following:



Common Judgment: (Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)

These Writ Appeals arise out of Common Order, dated 03-06-2016, in WP.No.18878 of 2014 and batch.

By the afore-mentioned Common Order, the learned Single Judge, following Judgment, dated 29-02-2012, in WP.Nos.2786 of 2012 & batch, disposed of the aforesaid batch of Writ Petitions with the direction that the reasons and directions contained therein shall form part of his order. These directions are extracted hereunder:

“(1) In cases where the appellate/revisional authority has directed re-engagement of the contract employees as fresh employees, such employees shall be entitled to benefit of continuity of service from the date of termination till the date of re-engagement, except for the period during which they were absent, and the said continuity of service granted to the employees shall be without any monetary benefit and shall be counted only for the purpose of regularization at a future date.

(2) The continuity of service so ordered in para (1) shall not, however, be counted for the purpose of seniority and shall not be allowed to affect the seniority of regularly working employees or for other benefits, but shall be counted only for the purpose of considering their cases for regularization.

(3) There are also cases where the orders of termination are challenged, either before the

appellate/revisional authorities or before this Court, after six or seven years of date of termination. In all such cases the benefit of continuity of service without any monetary benefit and re-engagement so ordered in para (1) shall be available to only to such of those employees who have approached the appellate/revisional authorities or this Court within three years from the date of termination.

(4) In cases where appeals/revisions or writ petitions are filed after three years of the orders of termination, it is directed that the such petitioner/s shall be considered for reengagement as fresh contract employee/s, subject to medical fitness and other formalities, but he/they shall not be entitled to continuity of past service as under para- (1) above.

(5) In cases where contract employees have preferred appeals/revisions, but no orders have been passed therein, the appellate/revisional authorities shall entertain and dispose of those appeals/revisions in the light of the directions referred to above, preferably on or before 31st March, 2012.

(6) In cases where no enquiry was conducted, the respondent-Corporation shall be free to conduct enquiry as per law into the allegations of unauthorized absence of its employees from duty or other allegations of misconduct.”

Mr.N.Praveen Reddy, learned Counsel representing Mr.N.Vasudeva Reddy, learned Counsel for the appellants, submitted that the order of the learned Single Judge as confirmed by the Division Bench was subject matter of various

Special Leave Petitions (SLPs) and that the Supreme Court has entertained the SLPs and granted interim orders. He has drawn our attention to Order, dated 06-03-2014, wherein the Supreme Court granted stay of the orders of this Court. He has further submitted that, while the services of all the respondents in these Writ Appeals were already regularised, the only issue that remains to be adjudicated is whether the relief granted by the learned Single Judge to the extent of continuity of service of these respondents is sustainable or not.

Mr.P.Venkateswara Rao, learned Counsel for the respondents, submitted that Order, dated 29-02-2012, in WP.Nos.2786 of 2012 and batch was an agreed order, following which the Common Order under Appeal has been passed by the learned Single Judge.

As regards the interim order granted by the Supreme Court, the learned Counsel has drawn our attention to the order under appeal wherein it is observed that the SLPs filed against the Orders in some of the Writ Petitions were dismissed and that some were admitted by the Apex Court. He has placed reliance on Order, dated 25.07.2013, in SLP (Civil) No(s).23290 of 2013 by which the Hon'ble Supreme Court has

dismissed the SLP arising out of judgment, dated 25.04.2013, of a Division Bench of this Court in identical case *viz.*, WA.No.641 of 2013.

From the facts discussed above, it is evident that while the Writ Petitions filed by the Contract Drivers/Conductors against the termination of their services were allowed with certain directions and the Writ Appeals were dismissed, the Supreme Court has dismissed some SLPs and entertained some others. Thus, the Supreme Court is ceased of the dispute between the parties. There is also no dispute about the fact that the services of the respondents in all these Writ Appeals have already been regularized. Thus, the only aspect that requires adjudication by the Supreme Court is whether the relief granted by this Court for continuity of service is sustainable or not.

Learned Counsel for the respondent submitted that the resolution of this issue is not so urgent as requiring immediate adjudication.

In these facts and circumstances of the case, we do not find any reason to entertain the Writ Appeals and keep them pending awaiting the decision of the Supreme Court. Instead,

as agreed by the learned Counsel for the respondents any decision that may be taken by the Supreme Court in the pending cases relating to continuity of service would bind the respondents herein without the need for the appellants to file separate SLPs against the orders of the learned Single Judge, which are being confirmed in these Writ Appeals subject to the outcome of the cases pending before the Supreme Court.

In the light of the above observations, the Writ Appeals stand disposed of subjecting the order of the learned Single Judge impugned in these Writ Appeals to the outcome of the cases pending before the Supreme Court.

As a sequel to disposal of the Writ Appeals, Miscellaneous Petitions, pending if any, stand disposed of.

(C.V.Nagarjuna Reddy, J)

(G.Shyam Prasad, J)

Dt: 7th September, 2016
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