

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY
AND
THE HON'BLE SRI JUSTICE M.S.K. JAISWAL

WRIT PETITION NO.42263 OF 2016

DATED:29-12-2016

Between:

Mr. K. Suresh ... Petitioner

And

The A.P. State Road Transport Corporation
Rep. by its Vice-Chairman & Managing Director
RTC House, Pandit Jawaharlal Nehru Central Bus Station
Vijayawada
Andhra Pradesh
and others ... Respondents

COUNSEL FOR THE PETITIONER: Mr. Peeta Raman

COUNSEL FOR THE RESPONDENTS: Mr. P. Durga Prasad
(Standing Counsel for APSRTC)



THE COURT MADE THE FOLLOWING:

ORDER: (per the Hon'ble Sri Justice C.V. Nagarjuna Reddy)

This is a desperate piece of litigation indulged in by a Conductor of the Andhra Pradesh State Road Transport Corporation (for short, 'the Corporation'), who would have been out of service but for the impugned Lok Adalat settlement.

2. Brief facts leading to filing of this writ petition are that the petitioner was appointed as Conductor in respondent No.1 – Corporation on 11.4.1989. For indulging in cash and ticket irregularities, he was removed from service by the disciplinary authority on 14.03.2012. The petitioner challenged his removal order by approaching the Labour Court by way of I.D. No.38 of 2012. While the case was pending before the Labour Court, it was referred to the Lok Adalat Bench at Guntur. He has entered into a compromise with the respondents as a result of which the Lok Adalat has passed an Award on 19.07.2013, which reads as under:

"1) The petitioner/workman has raised the Industrial Dispute for the relief of reinstatement into service with continuity of service, all other consequential benefits and full back wages. Both parties filed joint Memo to resolve the Industrial Depute before the Lok Adalat.

2) On hearing both sides, the respondents/management has agreed to set aside removal order and the petitioner be reemployed as a fresh conductor, without continuity of service, without back wages and without attendant benefits, subject to medical fitness and the petitioner/workman agreed for the same in the Lok Adalat.

3) Hence, the Award is passed accordingly directing that the respondent/management to implement the Award within 30 days (thirty days) from the date of this Award."

3. The petitioner derived the benefit of the Lok Adalat Award in the form of his re-appointment on 31.10.2013 and started functioning as Conductor since then. However, more than three years after his reinstatement as fresh Conductor, he has filed the present writ petition with the specious plea that the condition of appointment as fresh

Conductor is contrary to the Service Regulations of respondent No.1 – Corporation.

4. At the hearing, Mr. Peeta Raman, learned counsel for the petitioner, submitted that there is no proper settlement between his client and the respondents and that therefore the part of the settlement to the extent it runs contrary to the Service Regulations is liable to be declared as illegal. In support of his submission the learned counsel has relied upon the judgment of the Supreme Court in *State of Punjab v. Ganpat Raj*¹ and *Union of India v. Ananto (Dead) and another*².

5. Mr. P. Durga Prasad, learned Standing Counsel for the Corporation, appearing for the respondents, has opposed the above submission and argued that having entered into the agreement with his eyes wide open, the petitioner is not entitled to question the same.

6. We have considered the respective submissions of the learned counsel for the parties and perused the record.

7. Under Section 19(5) of the Legal Services Authorities Act, 1987 (for short, 'the Act'), Lok Adalat is conferred with the jurisdiction to determine and to arrive at a compromise or settlement between the parties to a dispute in respect of –(i) any case pending before; or (ii) any matter which is falling within the jurisdiction of and is not brought before, any Court for which the Lok Adalat is organised. As noted above, the removal order of the petitioner was subject matter of I.D. No.38 of 2012 before the Labour Court. However, the petitioner agreed for referring the dispute before the Lok Adalat and based on the settlement arrived at between him and the respondents, the Lok Adalat Award was passed. Section 21 of the Act attaches finality to every Award of the Lok Adalat and the same

¹ (2006) 8 SCC 364

² (2007) 10 SCC 748

is deemed to be a decree of a Civil Court. Under sub-section (2) thereof, every Award is not only final but also the same binds all the parties to the dispute, and no appeal shall lie to any Court against the Award. It is not the pleaded case of the petitioner that the Lok Adalat Award is vitiated by either coercion or undue influence or fraud which alone constitute grounds for this Court to interfere with the Award passed by the Lok Adalat.

8. The submission of the learned counsel for the petitioner, as noted above, namely, the settlement is contrary to the Service Regulations of the Corporation, can be referred only to be rejected. If the settlement is contrary to the Regulations, the petitioner ought not to have agreed for such settlement. Having not only agreed for such settlement, but also derived the benefit of the same, it lies ill in the mouth of the petitioner to turn round and question the settlement to the extent it does not suit him. Indeed, during the course of the hearing, we have even offered to the petitioner's counsel that we are willing to set aside the settlement in toto so that he can pursue I.D. No.38 of 2012. The learned counsel, however, was not prepared to accept this offer. As none of the grounds on which the settlement could be set aside as referred to above has been pleaded, much less substantiated, we do not find any reason to interfere with the Lok Adalat Award.

9. With regard to the judgments in *Ganpat Raj* (1 supra) and *Ananto* (2 supra), we fail to understand how they apply to the facts of the present case. In both these judgments, the Supreme Court has only explained the true meaning and purport of the word 'settlement'. The petitioner has not disputed the fact that the 'settlement' as explained by the Supreme Court in the above judgments has been recorded by the Lok Adalat. Hence, the

said judgments of the Supreme Court have no application to the facts of the present case.

10. For the aforementioned reasons, we do not find any merit in this writ petition and the same is accordingly dismissed.

As a sequel to dismissal of the writ petition, W.P.M.P. No.52097 of 2016 shall stand disposed of as infructuous.

C.V. NAGARJUNA REDDY, J

M.S.K. JAISWAL, J

29-12-2016

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