

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

W.P.No.30001 of 2012

Oral Order :

This Writ Petition is filed under Article 226 of the Constitution of India challenging the action of the respondents in not fixing the date of appointment of the petitioner with effect from the date of judgment of the learned single Judge of this Court in Writ Petition No.19750 of 1999 dated 2.8.2005.

Heard Sri G. Ravi Mohan, learned counsel for petitioner and Sri B. Mayur Reddy, learned Standing Counsel for the respondents.

The petitioner herein is a Conductor in the respondent-Corporation and earlier he was terminated from services on 23.2.1991. Questioning the validity of the said termination order, he raised industrial dispute in I.D.No.153 of 1991 on the file of the Industrial Tribunal-cum-Labour Court, Warangal.

The Tribunal by way of Award dated 12-1-1994 dismissed the said I.D.No.153 of 1991. Challenging the said Award passed by the Tribunal, the petitioner filed Writ Petition No.19750 of 1999 before this Court. This Court by its order dated 2.8.2005 directed reinstatement of the petitioner into

service as a fresh conductor while setting aside the award of the Tribunal. In the said order, this Court also made it clear that the petitioner is not entitled for continuity of service or any other benefit for the service rendered by him before his termination or for the period during which he was kept out of employment.

Challenging the said order passed in Writ Petition No.19750 of 1999 dated 2.8.2005, the respondent-Corporation preferred Writ Appeal No.674 of 2006 and the same was dismissed by the Division Bench of this Court by its order dated 17.8.2010 confirming the order passed by the learned single Judge in Writ Petition No.19750 of 1999 dated 2.8.2005. Thereafter, the Depot Manager, Bhadrachalam by his order dated 7.12.2011 appointed the petitioner as fresh conductor. Subsequently, according to the petitioner, he made a representation on 14.3.2012 requesting the respondents to treat the petitioner's date of appointment with effect from the date of judgment of the learned single Judge of this Court passed in Writ Petition No.19750 of 1999 dated 2.8.2005. In the above said factual background the present writ petition came to be instituted.

In response to the Rule nisi issued by this Court, a counter affidavit deposed by the Law Officer, RTC Mushirabad, Hyderabad has been filed on behalf of the

respondents, requesting for dismissal of the writ petition.

The material made available before this Court manifestly discloses that there is absolutely no controversy with regard to the reality that this Court partly allowed Writ Petition No.19750 of 1999 by way of order dated 2.8.2005, directing reinstatement of the petitioner afresh as conductor. There is also no dispute about the issue that the Writ Appeal No.674 of 2006 filed by the respondent-Corporation also ended in dismissal on 17.8.2010. The request of the petitioner in the present writ petition is that as the learned single Judge of this Court directed reinstatement by way of order dated 2.8.2005, as the respondent-Corporation failed in Writ Appeal No.674 of 2006, the petitioner is entitled for the relief from the date of order passed by the learned single Judge in Writ Petition No.19750 of 1999 dated 2.8.2005. In the considered opinion of this Court, there is absolutely no justification on the part of the respondents herein in denying the benefit of reinstatement of the petitioner from the date of order passed by the learned single Judge of this Court i.e. on 2.8.2005. No plausible explanation is also forthcoming from the respondents as to why the petitioner herein should be denied such relief.

For the above reasons, this Court is of the view that the petitioner is entitled to have his services counted from the

date of order passed by the learned single Judge in Writ Petition No.19750 of 1999 dated 2.8.2005. Accordingly, the writ petition is allowed directing the respondents to treat the services of the petitioner with effect from 2.8.2005 i.e. from the date of order passed in Writ Petition No.19750 of 1999 for the purpose of continuity of service and other benefits, including backwages.

With the above direction, the writ petition is allowed. Miscellaneous petitions pending, if any, shall stand closed. No costs.

JUSTICE A.V.SESHA SAI

Dt: 17-03--2016

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