

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

[Special Original Jurisdiction]

TUESDAY THE TWENTY NINETH DAY OF NOVEMBER
TWO THOUSAND AND SVENTEEN

PRESENT
HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO. 5337 OF 2001

Between:

APSRTC
Represented by its Depot Manager,
Kothagudem Depot,
Khammam district. ... Petitioner

V/s.

1. T.R.K. Goud [died, Per LRs.]
2. Industrial Tribunal-cum-Labour Court,
Warangal ... Respondents



Counsel for the Petitioner : Sri B. Mayur Reddy
Standing Counsel

Counsel for the Respondents : Sri A.K. Jayprakash for R-1
None appeared for R-2

The court made the following: : [order follows]

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO. 5337 OF 2001

ORDER :

This writ petition is filed seeking a writ of certiorari to call for the records relating to the award passed by the Labour Court, Warangal, in I.D.No. 119 of 1996 dated 23/07/2010.

2. Heard Sri B. Mayur Reddy, Standing Counsel for the petitioner-APSRTC and Sri A.K. Jayprakash, Counsel for the first respondent.

3. It is the case of the petitioner that first respondent was appointed as a Conductor in 1986 and his services were regularized during the year 1989 and while he was working as a Conductor during 1992, disciplinary proceedings were initiated for the alleged irregularities in cash and ticket transactions and the petitioner herein had conducted regular departmental enquiry. In the departmental enquiry, the first respondent was removed from service by order dated 24/01/1992. The first respondent has preferred an appeal and the same was also rejected by the petitioner on 29/06/1992. The first respondent has approached Industrial Tribunal-cum-Labour Court, Warangal in 1996 by filing I.D.No. 119 of 1996. The Industrial Tribunal-cum-

Labour Court, Warangal was pleased to pass an award after considering the entire material and evidence, which was led before it and set aside the orders of removal dated 24/01/1992 and directed the first respondent shall be reinstated into service as conductor with continuity of service without back wages from the date of filing of I.D. but however, the Labour Court held that the first respondent is entitled for 50% of the wages from 07/05/1996 till passing of the award i.e., up to 13/07/2000.

4. Learned counsel for the petitioner contends that the Labour Court erred in granting 50% of the wages from the date of filing of the I.D. till passing of the award and also granting continuity of service to the first respondent.

5. The counsel for the petitioner also contended that the first respondent was reinstated into service during the pendency of this writ petition on 17/11/2000 and while he was working the first respondent had died while in service.

6. The counsel for the first respondent contended that the Industrial Tribunal-cum-Labour Court had rightly passed an award by setting aside the orders of removal and granted only wages of 50% from the date of filing of ID till passing of the award and the Labour Court had not granted any back

wages from 1992 i.e., the date of removal till 1996 by duly taking into account that there is a lapse on approaching the Labour Court immediately after the orders of removal. During the course of arguments, learned counsel for the first respondent on instructions has submitted that the first respondent and his family members are willing to forego 25% of the wages and the first respondent has already expired on 07/02/2008 and the legal representatives were brought on record on 18/09/2008. In order to give quietus to this litigation, the family members of the first respondent are willing to forego 25% of the wages as ordered by the Labour Court.

7. Having considered the rival submissions of the parties, ends of justice would be met if the order of the Labour Court, dated 13/7/2000 is modified only to the extent of granting 25% wages from the date of filing of I.D. till passing an award by it.

8. At this relevant point of time, the only issue is whether the first respondent is entitled for 50% of the wages or not ? since the first respondent has already died while he was in service, this Court feels appropriate to dispose of this writ petition by duly modifying the award passed by the Industrial Tribunal-cum-Labour Court in I.D.No. 119 of 1996, dated 13/7/2000

only to the extent of granting 25% of the wages instead of 50% as directed by the Labour Court and rest of the directions in the award is hereby confirmed.

9. With the above direction, this writ petition is disposed. There shall be no order as to costs.

10. As a sequel, miscellaneous petitions if any, pending in this writ petition shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI.



HONOURABLE JUSTICE ABHINAND KUMAR SHAVILI



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Court Master : I s L.