

HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

AND

HON'BLE SMT. JUSTICE T. RAJANI

WRIT APPEAL NO.859 OF 2017

JUDGMENT: (per Hon'ble the Acting Chief Justice Ramesh Ranganathan)

This writ appeal, under Clause 15 of the Letters Patent, is preferred against the interlocutory order passed by the Learned Single Judge in W.P.M.P. No.8333 of 2017 in W.P. No.6791 of 2017 dated 14.03.2017.

It does appear, from the award of the Labour Court and the order of the Learned Single Judge, that the 1st respondent has put in 22 years of service, he was paid his terminal benefits earlier only for 15 years, and, though he was a regular employee, he was paid terminal benefits only for those years in which he had actually worked for 240 days. While the findings of both the Labour Court and the Learned Single Judge, on these issues, are, *prima facie*, in accordance with law, the question whether a Driver of TSRTC, who was retired on grounds of medical invalidation, would be entitled for the benefits both under Regulation 6-A(5)(a) and Regulation 6-A(5)(b) of the Andhra Pradesh State Road Transport Corporation Employees (Service) Regulations, 1964 (for short "the Regulations") necessitates examination in the writ petition. Further, the interlocutory order of the Learned Single Judge, in effect, amounts to the Writ Petition being dismissed at the admission stage, as nothing would survive for adjudication in the Writ Petition if the entire amount, as directed by the Labour Court, is directed to be paid to the petitioner.

The order of the Learned Single Judge, to the limited extent the 1st respondent was directed to be paid terminal benefits, both under Regulation 6-A(5)(a) and Regulation 6-A(5)(b) of the Regulations (and not either one of them), is set aside. The order of the Learned Single Judge, in all other respects, does not necessitate interference at this stage. The entitlement of the 1st respondent to be paid terminal benefits both under Regulation 6-A(5)(a) and Regulation 6-A(5)(b) of the Regulations shall, however, be subject to the result of the writ petition. Needless to state that, in case the order of the Learned Single Judge, to the extent indicated hereinabove, is not complied with, it is open to the 1st respondent to avail his legal remedies in accordance with law.

The Writ Appeal is disposed of accordingly. The miscellaneous petitions pending, if any, shall also stand disposed of. No costs.

(RAMESH RANGANATHAN, ACJ)

(T.RAJANI, J)

Date: 04-07-2017.
JSU

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

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