

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NOs.24141 OF 2010 & 7690 OF 2011

Date: 13.06.2017

W.P.No.24141 of 2010:

Between:

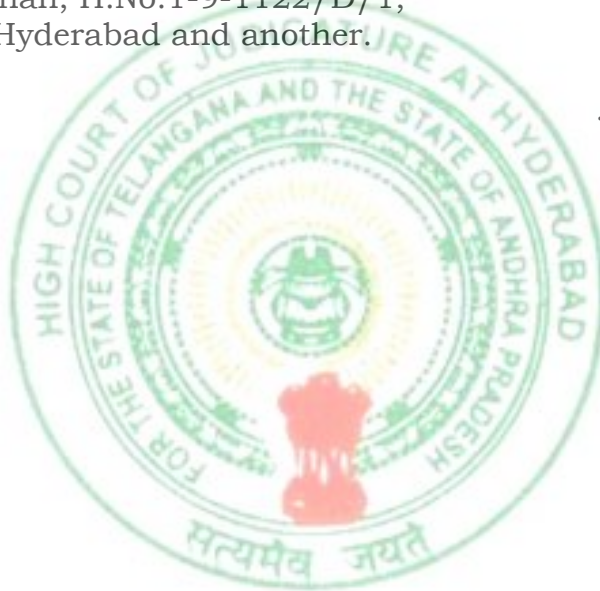
The APSRTC, rep.by its VC & MD,
Musheerabad, Hyderabad and others.

.....Petitioners

and

Mr. Mallaiah, S/o Bhoomaiah,
R/o Zaheerabad, Medak District,
C/o S.M.Subhan, H.No.1-9-1122/D/1,
Vidyanagar, Hyderabad and another.

.....Respondents



The Court made the following:

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COMMON ORDER:

Against order of removal from service, dated 09.05.2007, employee raised industrial dispute before the Labour Court-II, Hyderabad in I.D.No.123 of 2007. The order of removal against employee was on the ground that the allegation of cash and ticket irregularities, i.e, alteration in the SRs was proved and, therefore, warranted dismissal from service. The charge leveled against employee and the findings recorded by the disciplinary authority are held proved by the Labour Court. Labour Court substituted the punishment of removal to that of reinstatement into service with continuity of service. However, Labour Court denied the back-wages and other attendant benefits.

2. Challenging the order of Labour Court to the extent of denial of attendant benefits and back-wages, employee filed W.P.No.7690 of 2011 and challenging the award directing reinstatement of employee with continuity of service, RTC filed W.P.No.24141 of 2010. In the writ petition filed by the Transport Corporation, learned single Judge of this Court, while taking note of the fact that workman was reinstated, granted interim suspension of the award in other respects. Pursuant to the orders passed, employee was reinstated on 02.02.2010 and was retired from service on attaining the age of superannuation on 30.11.2011. Insofar as RTC is concerned, though they have paid all the retirement benefits, they have not paid any wages or allowances for the period of out of service from the date of removal till the date of reinstatement.

3. When the matters are taken up for consideration, learned counsel representing petitioners in two writ petitions, fairly submitted that having regard to the fact that employee has already retired from service, no adjudication on merits is required and the writ petitions can be closed by confining the relief granted in favour of the petitioner and by excluding the period of out of service as not entitled to any service benefits.

4. Having regard to the said statement, writ petitions are disposed of holding that order of the Labour Court directing reinstatement is sustained, but employee is not entitled to any benefits for the period from 09.05.2007 i.e., the date of removal to 02.02.2010 i.e., the date of reinstatement, back-wages and attendant benefits.

Miscellaneous petitions, if any, pending in these writ petitions shall stand closed. There shall be no order as to costs.

JUSTICE P.NAVEEN RAO

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