

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Writ Appeal No.28 of 2010

Judgment: (Per the Hon'ble The Acting Chief Justice Ramesh Ranganathan)

This appeal, under Clause 15 of the Letters Patent, is preferred against the order passed by the learned Single Judge in W.P. No. 3073 of 2004 dated 19.11.2009. The 1st respondent herein filed the said writ petition questioning the award passed by the Labour Court-I, Hyderabad in I.D. No. 647 of 2000 dated 15.10.2003 dismissing the 1st respondent-writ petitioner's claim for reinstatement with full back wages on the ground of delay and laches. Aggrieved thereby, the 1st respondent-writ petitioner invoked the jurisdiction of this Court.

While the learned Standing Counsel for the APSRTC, contended before the learned Single Judge that the inordinate delay of nine years in invoking the jurisdiction of the Labour Court was fatal, the learned Single Judge, relying on the judgment of the Supreme Court in **Ajaib Singh vs. Sirhind Cooperative Marketing-cum-Processing Services Society Limited**¹, held that, while delay may, by itself, not suffice to deny the workman the relief, it would be a factor to be taken into consideration in moulding the relief. The learned Single Judge directed the 1st respondent-writ petitioner to be appointed afresh, and denied him back wages in its entirety. Pursuant to the interim order of the Division Bench dated 4.2.2010, the 1st respondent-writ petitioner was taken into the services of the APSRTC, and is said to be continuing in service ever since.

¹ AIR 1999 SC 1351

The jurisdiction which this Court exercises, under Clause 15 of the Letters Patent, is extremely limited. In an intra-Court appeal under Clause 15 of the Letters Patent, interference is justified only if the order under appeal suffers from a patent illegality. We find no such infirmity in the order under appeal. Suffice it to observe that this order shall not preclude the appellant from taking such action as they may consider appropriate, against the 1st respondent-writ petitioner, in accordance with law.

The writ appeal stands disposed of accordingly. Miscellaneous Petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.



(RAMESH RANGANATHAN, ACJ)

(Dr. SHAMEEM AKTHER, J)

22nd March, 2017

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