

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.5935 OF 2001

ORDER:

1. This writ petition is filed seeking to issue a writ of certiorari calling for the records relating to the Award passed in I.D.No.136 of 1996, dated 21.7.2000, and to quash the same.
2. Heard Sri A Ravi Babu, learned Standing Counsel for the petitioners and Sri B. Sudhakar Reddy, learned Counsel for the 1st respondent.
3. The 1st respondent filed the above I.D. challenging his termination and contending that he was appointed as Mazdoor (Casual Labourer) in RTC on 1.10.1993 and he worked continuously from 1.10.1993 to 30.11.1994 without any break and he completed 240 days of work and on 30.11.1994, he was terminated from service illegally. The 2nd respondent passed the award impugned directing reinstatement of the 1st respondent into service as casual labour with backwages and continuity of service. Challenging the said award, the RTC filed this writ petition.
4. It has been contended by the learned Standing Counsel for the petitioners that the 1st respondent was never employed by RTC, but he was employed through a contractor, and that there is no master and servant relationship between RTC and the 1st respondent, and be that as it may, the 2nd respondent passed award on 21.7.2000 with a direction that the 1st respondent should be reinstated into service as Casual Labour with backwages and continuity of service and that during the pendency of the writ petition, the petitioners reinstated the 1st respondent into service. The said fact was not disputed by the learned Counsel for the 1st respondent.

Further, it is submitted by the learned Standing Counsel that subsequently, the services of the 1st respondent were regularized.

5. Now the issue which has to be looked into in this matter is whether the benefit of continuity of service and back wages can be extended to a casual employee.

6. After perusing the record and considering the submissions made by both the Counsel, this Court is of the view that the 2nd respondent erred in passing the award to the extent of granting backwages and continuity of service. Therefore, the award passed by the 2nd respondent is modified to that of reinstatement of the 1st respondent only, without any backwages and continuity of service.

7. With the above modification, the Writ Petition is disposed of. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

23rd November, 2017
Nn

(ABHINAND KUMAR SHAVILI,J)

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