

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 17297 of 2001

ORDER:

This writ petition is filed, under Article 226 of the Constitution of India, by the Andhra Pradesh State Road Transport Corporation, seeking a writ of certiorari to call for the records relating to and connected with M.P.No.46 of 2000 on the file of the Labour Court-I, Hyderabad, and quash the order dated 31.01.2001 passed in the miscellaneous petition.

When the matter is taken up for hearing, Sri N. Vasudeva Reddy, learned standing counsel for Andhra Pradesh State Road Transport Corporation, appearing for the petitioner and Sri M. Kotaiah, learned counsel for the respondent, have fairly conceded that the subject matter of this writ petition is squarely covered by an order of this Court passed in W.P.No.17130 of 2001 and batch of cases dated 25.11.2010, and submitted that similar orders may be passed in this writ petition also. The operative portion of the said order reads as under:

“The argument of Sri K. Madhava Reddy, learned standing counsel for the APSRTC, that the Labour Court ought not to have entertained the subject petitions under Section 33-C (2) of the Act of 1947 cannot be countenanced. The entitlement of the workmen to claim the difference of wages was clearly based upon the awards passed by the Labour Court in their favour in the individual IDs filed by them. Once the APSRTC was directed thereunder to appoint these workmen to the posts of cleaners, it was not proper on its part to appoint them as contingent workers and extract the work of cleaners from them. It appears that the APSRTC resorted to this step because of the execution proceedings

instituted against it. Be that as it may, such a procedure was not sanctioned by the awards of the Labour Court which had become final. The entitlement of the workmen to claim appointment on regular basis to the posts of cleaners therefore stood crystallized under the said awards. As they were denied such appointment in the first instance and were made to work as contingent workers on daily wage basis for the periods in question, they were clearly entitled to claim the difference of wages on the basis of the awards. This claim was thus maintainable under Section 33-C (2) of the Act of 1947. The contention of the APSRTC to the contra is manifestly without basis. The orders of the Labour Court therefore do not warrant interference by this Court. The Writ Petitions are accordingly dismissed.”

Following the aforesaid order, this Writ Petition is also dismissed.

Consequently, miscellaneous petitions if any pending in the writ petition shall also stand dismissed. There shall be no order as to costs.

23rd November, 2017
cbs

ABHINAND KUMAR SHAVILI, J

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(dismissed)

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