

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.1501 of 2009

ORDER:

This Writ Petition was filed by the Proddatur Municipality challenging the award in I.D.No.214 of 2003 dated 28.08.2007 filed by the second respondent herein.

The second respondent claimed that originally he was engaged on daily wages as Public Health Maistry on 04.09.1985 to work in the petitioner's Municipality and his services were terminated in the year 1987. On his several representations he was reinstated into service on 01.12.1988 as per resolution No.312, dated 25.11.1988 and again his services were terminated with effect from 01.03.1993 without any reason and notice. Since the petitioner herein is an industry and the second respondent is a workman as defined under the provisions of the Industrial Disputes Act and since he worked for more than 240 days, he challenged the retrenchment by filing I.D.No.214 of 2003. The second respondent filed O.A.No.288 of 1993 in the Andhra Pradesh Administrative Tribunal for payment of wages for the period from 26.11.1989 to 28.02.1993 and for regularization of his services. The said petition was disposed of at the admission stage by an order dated 02.03.1993 directing the second respondent herein to make a representation for the wages before the petitioner herein within one month. The second respondent filed a review petition in M.A.No.1368 of 1993 in the said Original Application

seeking regularization of his services and the same was dismissed on 07.12.1993. Challenging the said orders of the Andhra Pradesh Administrative Tribunal, the second respondent filed W.P.No.19430 of 1993 before this Court for payment of wages due for the period from 26.11.1989 to 28.02.1993 and for regularization of his services. He also filed O.A.No.1193 of 1995 before the Andhra Pradesh Administrative Tribunal for payment of wages for the said period. The Municipality, petitioner herein, accepted to pay wages to the second respondent through resolution No.554, dated 25.05.1995. The Municipal Council also passed a resolution dated 26.06.1995 agreeing to pay the wages of the second respondent on condition of the second respondent withdrawing his application pending before the Andhra Pradesh Administrative Tribunal and, accordingly, he withdrew the case. The Writ Petition was ultimately dismissed by this Court. In view of the dismissal of the Writ Petition, the petitioner herein raised an objection before the Industrial Tribunal that the dispute is not maintainable.

The Industrial Tribunal framed a point with regard to the eligibility of the second respondent herein for reinstatement into service with continuity of service, attendant benefits and backwages. Before the Industrial Tribunal, the second respondent herein was examined as WW1 and he filed Exs.W1 to W9, whereas the petitioner herein examined MW1 and filed Exs.M1 to M17. After considering the oral and documentary

evidence, the petition of the second respondent herein was allowed partly by the Industrial Tribunal by its award dated 28.08.2007 holding that the disengagement of the services of the second respondent herein with effect from 28.02.1993 was bad and he was ordered to be reinstated into service as NMR Public Health Maistry by the petitioner herein. It was also held that he shall be entitled for wages on par with similarly placed employees working in the petitioner's Municipality on the principle of equal pay for equal work with continuity of service but without attendant benefits and back wages for the break period. Challenging the same, the present Writ Petition is filed.

This Court, by order dated 02.02.2009, granted interim stay of the award on condition that the petitioner shall reinstate the second respondent into service and pay the last drawn wages. The said order continued to be in operation and it is stated across the bar that the second respondent was reinstated into service and he is being paid the regular scales of pay. Learned Counsel for both sides are unable to state whether the services of the second respondent were regularized or not. However, the learned Counsel for the petitioner could not point out any illegality in the award passed by the Tribunal and in view of the same and in view of the subsequent events, this Court sees no ground to interfere with the award.

The Writ Petition is, accordingly, dismissed. The miscellaneous petitions pending in this Writ Petition, if any, shall stand closed. There shall be no order as to costs.

21.06.2017
vs

(A.RAMALINGESWARA RAO, J)

