

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 26584 of 2012

Date : 11.4.2017

Between :

Bodukunta Lingaiah S/o Durgaiah
R/o Near Navodaya Private School
Vepal, Kalyankhani, Adilabad district

Petitioner

And

The chief Manager,
The Singareni Collieries Company Ltd
Kothagudem, Khammam district and another

Respondents

The Court made the following:



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ORAL ORDER:

Petitioner was dismissed from service by the respondent company on 25.7.2001 on the allegation of habitual absenteeism. Challenging the order of dismissal, petitioner raised Industrial Dispute in L.C.I.D No. 270 of 2001 on the file of the Central Government Industrial Tribunal cum Labour Court, Hyderabad (for short the Tribunal). The Tribunal vide its award dated 20.7.2002 modified the order of dismissal and directed reinstatement in the minimum of scale of revised pay as applicable and put him in minimum muster rolls for three consecutive years; his entire service from 1976 would be calculated for terminal benefits. Aggrieved thereby, respondent company filed W P No. 2714 of 2004 . As no stay was granted by this Court, during the pendency of the above writ petition, on 28.6.2006 the order of reinstatement was passed, however, having realized that petitioner attained the age of superannuation in the normal course on 30.4.2006, the order of reinstatement was revoked. The writ petition was disposed of by order dated 20.10.2010. Learned single Judge, having taken note of the fact that petitioner worked for 25 years, modified the punishment of dismissal to that of compulsory retirement. The award passed by the Tribunal was set aside and petitioner company was directed to substitute the punishment and calculate the pensionary/ retirement benefits due and payable to the petitioner for the services rendered by him from 1976 to 2001.

2. In this writ petition, petitioner claims that he should be treated as inservice from the date of award passed by the Tribunal till he attained the age of superannuation and he should be paid all benefits flowing there from.

3. It is not in dispute that the judgment of this Court in W P No. 2714 of 2004 has become final. In terms of the said judgment, petitioner is deemed to have been compulsorily retired from service w.e.f. 2001, therefore petitioner is entitled to service benefits by calculating the service rendered by him from 1976

to 2001 and petitioner is not entitled to any other benefits. Learned counsel for petitioner as well as learned standing counsel for respondent company, fairly submitted that the benefits payable to the petitioner in terms of the judgment of this Court in W P No. 2714 of 2004 were already settled.

4. In view of the orders of this Court in W P No. 2714 of 2004 petitioner is not entitled to claim that he should be treated as in continuous service after 2001 and claim benefits as if he was inservice till he attained the age of superannuation on 30.4.2006. I see no merit in the writ petition.

5. Accordingly, the writ petition is dismissed. No costs. Having regard to the same, miscellaneous petitions, if any pending, are closed.

DATE: 11.4.2017
TVK

P NAVEEN RAO,J



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