

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND
THE HON'BLE SRI JUSTICE GUDI SEVA SHYAM PRASAD

WRIT APPEAL No.1066 of 2017

01.08.2017

Between:

The Depot Manager,
Andhra Pradesh State Road Transport Corporation (A.P.S.R.T.C.),
Gokavaram, East Godavari District

..Appellant

and

B.Neelakantam and another

..Respondents

Counsel for the appellant: Mr.S.V.Ramana, standing counsel
for A.P.S.R.T.C.

Counsel for respondent No.1: Mr.G.Prasen for Mrs.K.Udayasri

Counsel for respondent No.2: Government Pleader for Labour (AP)

The Court made the following:



JUDGMENT: (Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)

This writ appeal arises out of order, dated 14.10.2016, in W.P.No.14739 of 2011.

2. Respondent No.1, who was a Driver of the Andhra Pradesh State Road Transport Corporation (for short 'the Corporation') and working in the appellant depot, was subjected to departmental enquiry as he allegedly caused an accident resulting in the death of a driver of an autorikshaw. Respondent No.1 was also simultaneously prosecuted for the alleged rash and negligent driving. The departmental enquiry culminated in removal of respondent No.1 from service. The Industrial Dispute raised by him before the Labour Court ended against him. Thereafter, he was honourably acquitted by the competent Criminal Court. He has filed W.P.No.14739 of 2011 assailing his removal based on the judgment of the Criminal Court. The learned Single Judge, by the order under appeal, has allowed the writ petition with backwages from the date of filing of the writ petition and all other attendant benefits.

3. Mr.S.V.Ramana, learned standing counsel for the Corporation appearing for the appellant, has submitted that the Corporation is mainly aggrieved by the award of backwages. He has pointed out that respondent No.1 has not raised a plea that he was not gainfully employed during the period he was out of service and that the Corporation would be satisfied if the order of the learned Single Judge to the extent of the backwages is set aside.

4. Mr.G.Prasen, learned counsel representing Mrs.K.Udayasri, learned counsel for respondent No.1, has fairly conceded that though his client has stated that he was out of employment, he has not pleaded that he was not gainfully employed and that in the event of denying backwages to

respondent No.1, the benefit of continuity of service for all other purposes, such as promotion(s), if any, and retirement benefits etc., as granted by the learned Single Judge may be sustained.

5. In the light of the above facts and circumstances of the case, the Writ Appeal is partly allowed by setting aside the order of the learned Single Judge to the extent of award of backwages only. It is, however, made clear that respondent No.1 is entitled to continuity of service for all other purposes.

6. As a sequel to partly allowing the writ appeal, W.A.M.P.No.2048 of 2017 filed by the appellant for interim relief shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

GUDI SEVA SHYAM PRASAD, J

01st August, 2017
GHN

