

**THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY**

**AND**

**THE HON'BLE SMT. JUSTICE K.VIJAYA LAKSHMI**

**WRIT APPEAL No. 620 OF 2017**

**DATED 25<sup>TH</sup> OCTOBER, 2017**

Between:

The Depot Manager,  
Andhra Pradesh State Road Transport Corporation,  
Parkal, Warangal (Now TSRTC) ... Appellant

AND

M.Uppalaiah and another ... Respondents

Counsel for the appellant : Sri B.Mayur Reddy

Counsel for respondent No. 1 : Sri A.K.Jayaprakash Rao

Counsel for respondent No. 2 : --

THE COURT MADE THE FOLLOWING

**JUDGMENT:** (*per Hon'ble Sri Justice C.V.Nagarjuna Reddy*)

This Writ Appeal arises out of order dated 06-02-2017 in W.P.M.P.No. 4573 of 2017 in W.P.No. 3844 of 2017.

2. Sri G.Vidya Sagar, learned senior counsel appearing for the appellant, submitted that respondent No. 1, who was removed from service as conductor for cash and ticket irregularities following the departmental proceedings, has been directed to be reinstated by the Industrial Tribunal at Warangal (for short, 'the Tribunal') by its award dated 04-08-2016 in I.D.No. 4 of 2010 and that in pursuance of the said award, respondent No. 1 has been reinstated. He has however argued that when the very award of the Tribunal is the subject matter of W.P.No. 3844 of 2017 filed by the corporation, the learned single judge is not justified in directing payment of 50% of the back wages and all attendant benefits pending the Writ Petition. Sri A.K.Jayaprakash Rao, learned counsel for respondent No. 1, submitted that after proper appreciation of evidence on record, the Tribunal rendered categorical findings that the charges framed against respondent No. 1 are not proved and that his client was out of service for a long period between 2007 and 2016 and suffered severe financial hardship. He has further submitted that unless a part of the back wages is directed to be deposited, his client would suffer irreparable injury.

3. Inasmuch as the Writ Petition is pending before the learned single judge, it is not appropriate to express any opinion on the merits of the case. However, considering the fact that respondent No. 1 succeeded before the Tribunal and was out of service for nearly 9 years, ends of justice would be met if a reasonable part of the back wages is paid to him by the appellant pending the Writ Petition. Accordingly, the order of the learned single judge is modified by substituting 1/4<sup>th</sup> of the back wages for 50% of the back wages as ordered by the learned single judge. The appellant is however granted six weeks time to pay the said back wages.

4. The Writ Appeal is accordingly allowed in part to the extent indicated above.

5. As a sequel to disposal of the Writ Appeal, W.A.M.P.Nos. 1253, 1254, 1255 and 2901 of 2017 shall stand closed as infructuous.

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***C.V.NAGARJUNA REDDY, J.***

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***K.VIJAYA LAKSHMI, J.***

Date: 25-10-2017.

JSK