

HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY
AND
HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

WRIT APPEAL No.519 of 2009

Date: 08.08.2017

Between :

The Depot Manager, APSRTC,
Madhira Depot, Khammam District

... Appellant

And

J.V. Rathnam and another.

... Respondents

COUNSEL FOR THE APPELLANT : Mr. B. Mayur Reddy

COUNSEL FOR RESPONDENT No.1 : Mr. A.K. Jaya Prakash
Rao

COUNSEL FOR RESPONDENT No.2 : G.P. for Labaour

THE COURT MADE THE FOLLOWING:

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

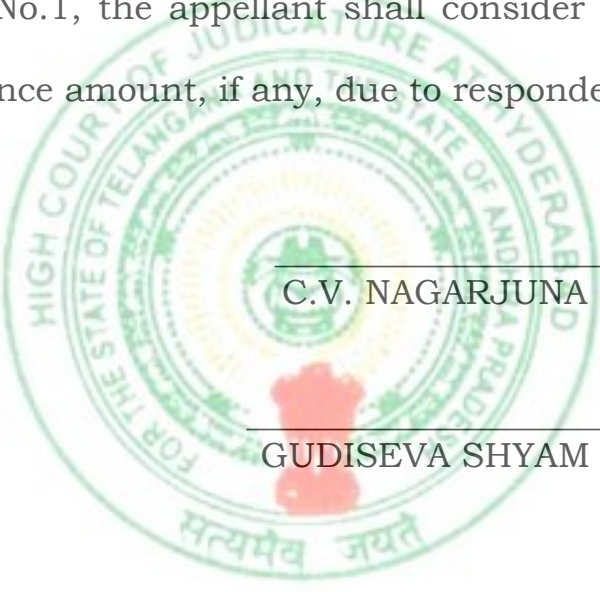
This Writ Appeal is filed against the order dated 02.04.2007 in W.P.No.6563 of 2007, whereby the learned single Judge has confirmed the Award of the Labour Court, by which the order of removal of respondent No.1 was set aside by awarding full back-wages and continuity of service.

2. At the hearing, learned counsel for the appellant submitted that the conditional interim order dated 18.04.2009 passed by this Court was complied with by depositing 50% of the back-wages and during the pendency of the writ appeal, respondent No.1 died and WAMP(SR).No.144542 of 2017 is filed to bring on record his legal representatives.

3. Sri A.K. Jayaprakash Rao, learned counsel for respondent No.1 submitted that though his client is satisfied with 50% of the back-wages, he is not aware as to whether the appellant has fully satisfied the aforesaid conditional interim order by depositing 50% of the back-wages. He further submitted that if the appellant's counsel furnishes the Calculation Memo that would satisfy his client's claim.

4. In the light of the above, the Writ Appeal is partly allowed, by setting aside the Award dated 30.06.2006 in I.D.No.220 of 2003 passed by the Labour Court, Warangal, as confirmed by the learned single Judge, by order dated

02.04.2007 in W.P.No.6563 of 2007, however, limiting awarding of back-wages to 50% only. The legal representatives of respondent No.1 may approach the appellant – A.P. State Road Transport Corporation for providing Calculation Sheet containing the details of the amount deposited in order to comply with the aforesaid conditional interim order. If any part of the amount, representing 50% of the back-wages has not been deposited, on a representation made by the legal representative of respondent No.1, the appellant shall consider the same and pay the balance amount, if any, due to respondent No.1.



C.V. NAGARJUNA REDDY, J

GUDISEVA SHYAM PRASAD, J

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Msr

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