

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

W.P.No.2638 of 2009

ORDER

Challenging the Award dated 15.12.2006 passed in I.D.No.206 of 2005, dated 15.12.2006 by the Industrial Tribunal-cum-Labour Court, Anantapur, the present writ petition is filed.

The 1st respondent claims to have passed SSC in the year 1979 and I.T.I (Motor Mechanic) in the year 1983. The petitioner-Andhra Pradesh State Road Transport Corporation (for short 'Corporation') engaged the 1st respondent as Technical Maistry on 20.7.1987 in Civil Engineering Department, Kurnool. Thereafter, he was transferred to the Depot at Ananthapur in the year 1990. He has been working continuously since then. He submitted a representation to the petitioner-Corporation to regularize his services, but the same was not considered. Hence, he filed W.P.No.1367 of 1998 and the same was dismissed. Aggrieved by the same, he preferred W.A.No.1681 of 2002 and the same was also dismissed. In the meanwhile, his services were dis-engaged with effect from 21.5.2002. Thereafter, he filed W.P.No.23988 of 2003 seeking reinstatement and regularizing his services. The said writ petition was dismissed on the ground that the disputed questions of fact cannot be adjudicated in a writ petition and

he was advised to approach appropriate forum. Accordingly, the 1st respondent raised I.D.No.206 of 2005 and the Industrial Tribunal-cum-Labour Court vide its order dated 15.12.2006 partly allowed the I.D by setting aside the disengagement dated 21.5.2002 and ordering reinstatement into service as Technical Maistry, and holding that he is entitled to regularization of his services on par with the similarly placed employees with continuity of service, but without attendant benefits and back wages. Pursuant to the said award, the 1st respondent was reinstated into service as Technical Maistry.

When the matter came up for consideration, this Court wanted to know the status of the similarly placed persons like the 1st respondent.

Learned counsel appearing for the petitioner-Corporation submits that similarly placed employees, like the 1st respondent, are also working on contract basis and in view of the same, the 1st respondent cannot claim regularization now.

At this stage, learned counsel appearing for the 1st respondent submits that as and when the services of the similarly placed persons are regularized, the case of the 1st respondent may also be considered.

In view of the Award dated 15.12.2006 passed by the Industrial Tribunal-cum-Labour Court, it is needless to observe that as and when

the cases of the similarly placed employees are considered for regularization of their services, the case of the 1st respondent shall also be considered. The 1st respondent is entitled to continuity of service, but without attendant benefits and back wages.

Accordingly, the Writ Petition is disposed of. No costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

5th July, 2017
rkk



JUSTICE A.RAMALINGESWARA RAO