

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 14408 OF 2002

O R D E R :

This writ petition is filed seeking *Writ of Mandamus* declaring the action of the respondents in not paying arrears of salary of the petitioner, as illegal and arbitrary and consequently to direct the respondents to pay the arrears of salary to the petitioner in accordance with law and as per the regulations of the company.

Heard Sri P.Rajendra Prasad, learned counsel for the petitioner and Sri J. Sreenivasa Rao, learned Standing Counsel for the respondents.

It is contended by the petitioner that he had joined in the respondent-Company on 22.1.1974. Even though the petitioner was not a subscriber of any chit, false case had been filed against him and some other employees in E.P.No.396 of 2001 in O.S.No.511 of 1997 on the file of the Principal Junior Civil Judge, at Kothagudem, and prohibitory orders were issued on 24.7.2001 prohibiting and restraining the General Manager of the Singareni Collieries Limited, Manuguru from making payment of the debt of Rs.40,000/- from the arrears of his salary. Against the orders passed in E.P.No.396 of 2001, the petitioner had filed C.R.P. No.4689 of 2001 and this Court granted stay orders in C.M.P.No. 19212 of 2001 on 11.10.2001.

The grievance of the petitioner is that the Circular dated 28.7.2001 had been issued by the respondents agreeing to pay 60% NCWA-VI arrears to the serving employees. In spite of the

same, the petitioner has not been paid arrears of salaries for the period from 1.7.1996 to 31.12.2000. Hence, this writ petition.

Learned Standing Counsel for the respondents would contend that the arrears of salary of the petitioner had not been paid as the Principal Junior Civil Judge, Kothagudem had passed prohibitory orders in E.P.No.306 of 2001 on 24.7.2001. Subsequently, when the petitioner had approached this Court by filing CMP No.19212 of 2001 in C.R.P. No.4689 of 2001, interim stay had been granted on 11.10.2001 against the orders, dated 24.7.2001 passed in E.P.No.306 of 2001 in O.S.No.511 of 1997 and no illegality and irregularity had been committed by the respondents in not paying the arrears of salaries to the petitioner.

Having considered the rival submissions of the parties, this Court, is of the considered view that the respondent had not committed any illegality by not paying arrears of salaries to the petitioner. They have only implemented the orders passed by the competent Civil Court and entitlement of arrears of payment of salaries will be depending on the final orders passed in E.P.No.306 of 2001 and C.R.P.No.4689 of 2001. If the competent Civil Court passes any orders in favour of the petitioner, the respondents are directed to consider the case of the petitioner for payment of arrears of salaries to the petitioner, in accordance with law.

With the above observations, the writ petition is disposed of. No order as to costs.

As a sequel, miscellaneous petitions, if any pending, shall stand closed.

ABHINAND KUMAR SHAVILI, J

Dated: 05/09/2018
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