

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.19161 of 2015

ORDER:

This writ petition is filed seeking to issue a writ of mandamus, declaring the action of the respondents in not paying the wages from the date of order in W.P.No.26383/2000, dated 14.11.2007 to August, 2012 i.e., attaining age of superannuation, as illegal, arbitrary and consequently to direct the respondents to pay salary with effect from 14.11.2007 till the date of retirement i.e., August, 2012 and to pay interest for delayed payment on gratuity amount.

Heard Sri G.Ravi Mohan, learned counsel for the petitioner and Sri J.Sreenivasarao, learned standing counsel for the respondents.

It has been contended by the petitioner that he was initially appointed as General Mazdor (Welder) in the respondent organization on 06.03.1978. While he was working as such, as a disciplinary measure, the respondents have dismissed the petitioner from service, vide orders dated 30.08.1997. Challenging the same, the petitioner had preferred an Industrial Dispute before the Industrial Tribunal, Godavari Khani under Section 2(a)(ii) of the Industrial Disputes Act vide I.D.No.29/1999. The learned Industrial Tribunal was pleased to dismiss the said Industrial Dispute, vide orders dated 26.07.2000, while confirming the termination order passed by the respondents.

Aggrieved by the dismissal of I.D.No.29/1999, the petitioner has preferred W.P.No.26383/2000 before this court and this court, after considering the entire case, was pleased to allow the said writ petition on 14.11.2007, wherein a direction was given to the respondents to reinstate

the petitioner into service with continuity of service, however, without back wages and other attendant benefits, by duly setting aside the award of the learned Tribunal.

The respondents have preferred W.A.No.134 of 2008 challenging the orders of the learned single Judge dated 14.11.2007 in W.P.No.26383/2000. The Hon'ble Division Bench of this Court, vide orders dated 30.07.2013, was pleased to dismiss the writ appeal.

The petitioner has further contended that during the pendency of the writ appeal, he retired from service on attaining the age of superannuation on 31.08.2012, and therefore, he claims that he is entitled for all attendant benefits treating him as of in continuity of service.

The learned standing counsel for the respondents has contended that an amount of gratuity for which the petitioner was entitled was paid on 31.08.2012 itself. Further, after dismissal of the writ appeal, the respondents had paid Rs.5,40,823.78 ps to the petitioner towards balance gratuity and the respondents are also paying monthly pension to the petitioner.

This court, having considered the rival submissions made by both the parties, is of the view that the petitioner is entitled for all benefits consequent upon the orders of this court dated 14.11.2007 in W.P.No.26383 of 2000, setting aside the order of dismissal of the petitioner, dated 30.08.1997.

Accordingly, the Writ Petition is allowed, directing the respondents to pay all consequential benefits to the petitioner by treating him as in service right from the date of dismissal dated 30.08.1997 till he has retired from service on attaining the age of superannuation. It is made

clear that the amount which the respondents have already paid to the petitioner can be adjusted in the amounts of which the petitioner is entitled to receive. It is further made clear that the petitioner is entitled for monetary benefits from the date of order in W.P.No.26383/2000, dated 14.11.2007 till he has retired from service on attaining the age of superannuation i.e., till 31.08.2012. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed in consequence.

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ABHINAND KUMAR SHAVILI,J

Date: 23.04.2018  
Dsr

