

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.15467 OF 2013

ORDER:

The respondent was appointed as Brush Painter in the Office of the first petitioner on 03.04.1979 under Scheduled Tribes (ST) quota. He submitted a social status certificate as Yanadi (ST). On the complaint lodged by Andhra Pradesh Scheduled Tribes Association, Visakhapatnam, with regard to social status of the respondent, the matter was referred to the District Collector, Visakhapatnam and he, after enquiry, by proceedings dated 25.06.1997 opined that the certificate produced by the respondent was bogus and advised the Department to initiate disciplinary action. Accordingly, disciplinary proceedings were initiated against the respondent and he was dismissed from service by proceedings dated 25.05.2001. The Appeal preferred by the respondent was also rejected by the Appellate Authority. Thereafter, the respondent filed L.C.I.D.No.118 of 2004 before the Industrial Tribunal cum Labour Court, Hyderabad, and the Labour Court passed the Award on 07.02.2005 setting aside the order of dismissal. Challenging the said Award, the petitioner filed W.P.no.3541 of 2006. This Court while admitting the said writ petition, by order, dated 24.02.2006, granted interim suspension of the Award subject to the condition of complying with Section 17-B of the Industrial Disputes Act, 1947. It appears that the respondent was paid a sum of Rs.61,551/- towards the last drawn wages for the period from 24.02.2006 to 31.10.2006, and thereafter, no amount was paid. In those circumstances, the respondent filed M.P.No.2 of 2017 for payment of backwages together with interest and the Tribunal by its order, dated 25.11.2010, disposed of the said application directing the respondents

therein, the petitioners herein, to pay an amount of Rs.34,080.36/-, by duly deducting the amount already paid to the petitioner therein. Against the said order of Tribunal, dated 25.11.2010, the present writ petition was filed.

In the meanwhile, W.P.No.3541 of 2006 came up for consideration before this Court and this Court dismissed the said writ petition by order, dated 09.12.2015. Since the present writ petition arises against the interlocutory order passed by the Tribunal during the pendency of the writ petition, nothing survives for adjudication in the present writ petition and the writ petition is liable to be dismissed.

The writ petition is accordingly dismissed. Consequently, miscellaneous petitions, if any pending, in this writ petition, shall stand closed. There shall be no order as to costs.

03.01.2018
pln

A.RAMALINGESWARA RAO, J

