

**HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI**

**WRIT PETITION No. 17701 of 2005**

**ORDER:**

This writ petition is filed seeking to issue a writ of certiorari calling for the record relating to and connected with M.P.No.75 of 2001 on the file of the 1<sup>st</sup> respondent-Labour Court and quash the order dated 29.09.2004 passed therein holding it as arbitrary and illegal.

Heard Sri A. Rama Rao, learned standing counsel for APSRTC appearing on behalf of the petitioner and Sri P. Govinda Rajulu, learned counsel for the 2<sup>nd</sup> respondent-workman.

It has been contended by the petitioner corporation that the respondent workman was appointed as Cleaner in Tirumala Tirupati Devasthanam in 1964 and, thereafter, he was promoted as Driver in 1968. The Transport Department of TTD was taken over by the petitioner corporation in 1975 and, consequently, the workman was also taken over by the corporation. While the workman was working as Driver, the corporation removed him from service in 1989. Questioning the same, the workman raised I.D.No.184 of 1991 on the file of the Labour Court, Anantapur. The Labour Court vide orders dated 29.09.2004 set aside the orders of removal and ordered reinstatement of the workman with continuity of service, but without back wages. Thereafter, questioning the non-payment of notional increments, the workman filed M.P.No.75 of 2001 before the Labour

Court seeking to determine the amount to which he is entitled and direct the corporation to pay the same. The Labour Court vide orders dated 29.09.2004 directed the corporation to pay a sum of Rs.32,005/- to the workman within 60 days. Challenging the same, the corporation filed the present writ petition.

Learned standing counsel for the petitioner corporation has contended that the respondent workman is not entitled for notional increments in case of reinstatement.

On the other hand, learned counsel for the respondent workman has contended that when once the order of reinstatement has been made, the respondent workman shall be deemed to be in continuous service and the termination becomes nonest in the eye of law and the workman is entitled for notional increments. The Labour Court has rightly passed the orders in favour of the respondent workman. Therefore, no interference is called for from this Court.

This Court, having considered the submissions made by the parties, is of the considered view that when continuity of service is granted by the Labour Court, the respondent workman would also be entitled for notional increments. Further, no illegality or irregularity has been pointed out by the learned standing counsel for the petitioner corporation in the orders impugned in the writ petition. The writ petition is devoid of merits and is liable to be dismissed.

Accordingly, the writ petition is dismissed. Consequently, miscellaneous petitions, if any, pending in the writ petition shall stand closed. No order as to costs.

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**ABHINAND KUMAR SHAVILI, J**

23<sup>rd</sup> August, 2018  
cbs



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Writ Petition No. 17701 of 2005  
(dismissed)

23<sup>rd</sup> August, 2018

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