

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE M.GANGA RAO

WRIT APPEAL Nos.1144, 1840, 1843, 1847 and 1879 OF 2017

COMMON JUDGMENT: (per Hon'ble Sri Justice Sanjay Kumar)

These writ appeals, filed by the Andhra Pradesh State Road Transport Corporation (APSRTC), arise out of the common order dated 24.11.2016 passed by a learned Judge of this Court in W.P.No.6045 of 2013 and batch. The said writ petitions were filed by the respondents in these appeals along with some others assailing the action of the APSRTC in not extending to them the pensionary benefits available to employees of the Tirumala Tirupati Devasthanams (TTD). By the common order under appeal, the learned Judge held the petitioners entitled to pension on par with TTD employees from the date of submission of their respective applications seeking such benefit while the petitioners in two of the cases were held entitled to family pension on par with Ex.TTD employees from the date of death of their respective spouses. Aggrieved by the grant of these reliefs, the APSRTC preferred this batch of appeals.

While so, the learned Advocate General for the State of Andhra Pradesh, appearing for the APSRTC, brought it to our notice that one significant aspect which has bearing on the entitlement of the respondents-writ petitioners to seek pension on par with TTD employees was not brought to the notice of the learned Judge. He would point out that upon a reference made under Section 10(1)(d) of the Industrial Disputes Act, 1947, the Industrial Tribunal, Andhra Pradesh, Hyderabad, took up I.D.No.43 of 1986, wherein 'The Workmen, represented by Tirupati Transport Workers' Union, Tirupati' figured as the claimant while the respondents therein were 'The Managing Director, APSRTC' and 'The

TTD, represented by its Executive Officer, Tirupati'. The industrial dispute referred for resolution in the said I.D. was:

'Whether the former T.T.D. Transport Workers (presently the A.P.S.R.T.C. Workers) are entitled to the benefits accrued to the present T.T.D. Workers after 8-8-1975 in terms of the agreement dated 8-8-1975? If so, to what extent?'

Answering the reference, the Industrial Tribunal held that the former TTD Transport workers (presently, APSRTC workers) were entitled to only four benefits. Significantly, entitlement to pension on par with TTD employees did not figure amongst these four benefits. Learned Advocate General would assert that this aspect was also specifically raised before the Industrial Tribunal and therefore, denial of this relief would have some impact on the present */is*.

As this aspect of the matter was not brought to the notice of the learned Judge at all, we are of the opinion that it would be appropriate for the APSRTC to seek review of the common order under appeal and bring it to the notice of the learned Judge. It is no doubt possible that this aspect may ultimately have no impact on the relief granted in the writ petitions but it is necessary that the learned Judge should be apprised of this aspect of the matter so that the adjudication in the writ petitions is comprehensive and complete.

Learned Advocate General would further point out that other issues which were raised in the writ petitions but were held against the APSRTC are sought to be canvassed presently in these appeals and therefore, those issues may be left open.

We find merit in this submission.

The writ appeals are accordingly closed granting liberty to the APSRTC to file review applications before the learned Judge. We however make it clear that we have not entered into the merits of the matter and it

is for the learned Judge to consider the relevance and impact of the Award dated 26.10.1988 passed by the Industrial Tribunal, Andhra Pradesh, Hyderabad, in I.D.No.43 of 1986. We also make it clear that the issues raised in these writ appeals on other aspects of the matter are left open and it would be open to the APSRTC to raise them afresh in the event they need to do so.

Pending miscellaneous petitions, if any, shall also stand closed. No order as to costs.

SANJAY KUMAR,J

M. GANGA RAO, J

Date: 23.10.2018
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