

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.24027 OF 2015

Dated:25.09.2018

Between:

Madham Penchalaiah, S/o. Raghavaiah,
Aged about 59 years, R/o. Harijanawada,
East Gugupalli Village, Aluru Mandal,
Sri Pottisriramulu Nellore District

.. Petitioner

And

Andhra Pradesh State Road Transport
Corporation, rep., by Vice Chairman and
Managing Director, Bus Bhavan,
Musheerabad,Hyderabad and others

.. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

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ORDER:

Heard learned counsel for the petitioner and learned Standing Counsel for respondent – Corporation.

2. This Writ Petition is filed claiming to grant terminal benefits, namely, Employees Provident Fund, Gratuity, Leave Salary, SRBS, SBT and Group Insurance with interest at 18% per annum.

3. Facts on record would disclose that the petitioner was removed from service by order dated 22.04.2004 on the allegation of cash and ticket irregularities. Aggrieved thereby, he raised industrial dispute vide I.D.No.49 of 2005 before the Labour Court at Guntur. The Labour Court rejected the claim of the petitioner and dismissed the I.D. by award dated 08.07.2008. Aggrieved by the same, petitioner filed W.P.No.25848 of 2008. The said Writ Petition was dismissed by order dated 09.03.2018. During the pendency of the said Writ Petition, petitioner filed the present Writ Petition seeking to grant the benefits mentioned above.

4. According to learned counsel for the petitioner, even taking the order of removal from service as valid and even during the course of pendency of the Writ Petition filed against removal from service, as an employee, who is removed from service, is also entitled to the benefits, as mentioned above, and not granting the said benefits is illegal and arbitrary.

5. In the counter affidavit, the respondent – Corporation does not dispute the claim of the petitioner. According to the

respondent – Corporation, even an employee is removed from service, he is entitled to the benefits, as mentioned above. However, their stand that petitioner did not submit his claim forms, amounts were not released, is not valid.

6. Since the respondent – Corporation also does not dispute the claim of the petitioner, there is no need to record reasons. It is suffice to note that though petitioner was removed from service on 22.04.2004 and he was unsuccessful before the Labour Court and this Court, for more than 14 years, the terminal benefits payable to him were not paid to him.

7. According to learned counsel for the petitioner, there is no requirement of filing any filled in forms for settlement of these benefits and the benefits have to be routinely paid after verifying the concerned accounts.

8. Mere pendency of Industrial Dispute and the consequential Writ Petition is not a bar for settlement of benefits by treating removal from service as the basis. In the event petitioner succeeded before Labour Court or before this Court, he would have been entitled to higher benefits in addition to the benefits payable to him as a removed employee as on 22.04.2004. Therefore, there is no justification to deny the settlement of benefits accrued to the petitioner from the date of his joining till the date of removal from service.

9. The Writ Petition is accordingly disposed of directing the respondent – Corporation to settle all the terminal benefits payable to the petitioner. As the petitioner was entitled to the benefits, as

mentioned above, on 22.04.2004 and the said amounts are not paid for no fault of petitioner, he shall be paid interest at 8% per annum on all the amounts due from the date of removal from service till the date of payment. The entire exercise shall be completed within a period of two months from the date of receipt of a copy of the order. Pending Miscellaneous Petitions, if any, shall stand closed.

P. NAVEEN RAO, J

Date:25.09.2018

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