

HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.6247 OF 2015

ORDER:

1. This writ petition is filed seeking to issue a writ of mandamus declaring the action of the respondent-Corporation in not fixing pay of the petitioner in revised pay scale by adding notional increments in pursuance of the judgment of this Court in W.P.No.5582 of 2002, dated 26.3.2013, and in not paying the wages from 26.3.2013 to 11.10.2014 to the petitioner, as illegal and arbitrary, and consequently, to grant all consequential benefits.

2. Heard Sri A.K. Jayaprakash Rao, learned Counsel for the petitioner and Sri A. Ravi Babu, learned Standing Counsel for TSRTC.

3. The case of the petitioner in brief is as follows:

The petitioner joined in the respondent-Corporation as a Daily wage driver on 6.6.1991 and subsequently, his services were regularized on 17.8.1992. On 27.1.1997, the petitioner was removed from service on the ground that he drove the vehicle in a rash and negligent manner and caused accident, on account of which service conductor died. Aggrieved by the same, the petitioner raised a dispute in I.D.No.140 of 2000 before the Industrial Tribunal-cum-Labour Court, Godavarikhani. But the learned

Tribunal did not grant any relief to the petitioner. Hence, the petitioner filed W.P.No.5582 of 2002 before this Court. This Court vide order 26.3.2013 partly allowed the said writ petition directing the respondent-Corporation to reinstate the petitioner into service with continuity of service but without back wages for the entire period, and imposing the punishment of deferment of two annual increments without cumulative effect. In pursuance of the said order, the respondent-corporation reinstated the petitioner into service by order dated 24.1.2014 and the petitioner reported to duty. But he was paid wages only from 12.10.2014. The respondents did not pay the arrears from 24.1.2014. The respondents also failed to fix the pay of the petitioner by adding notional increments in revised pay scales. Hence, the present writ petition is filed.

4. Learned Standing Counsel for the respondents submits that the respondents complied with the orders of this Court in W.P.No.5582 of 2002 and the petitioner was given posting orders in the month of January, 2014 and he reported to duty after two months thereafter and submitted application dated 10.4.2014 stating that he met with an accident while he was coming to join the duty and on 10.4.2014 he was sent to Zonal Hospital, Karimnagar for medical examination and he was found unfit for Class-III, A1 category and again the petitioner submitted application dated

21.5.2014 requesting for re-medical examination and he was directed to undergo examination at APSRTC, Tarnaka, Hyderabad, and in the medical examination, he was found fit for driver in A1 category and thereafter, the petitioner was directed to undergo suitable training at Zonal Training college, Warangal and he completed the same on 9.10.2014 and thereafter, he reported to duty on 11.10.2014 at Vemulawada Depot, and the wages are being paid to him from the date of performing duty i.e., 12.10.2014, and thus, his pay was regularized and fixed in the revised pay scales of 1997, 2001, 2005 and upto 2009 and his pay was fixed at Rs.8,475/- with effect from 1.4.2009 as per his eligibility, and there are no merits in this writ petition.

5. I have considered the rival submissions made by the parties and perused the material available on record. From the material on record, it is obvious that W.P.No.5582 of 2002 filed by the petitioner was partly allowed vide order dated 26.3.2013 by modifying the punishment of removal to that of reinstatement of the petitioner into service, with continuity of service, but without backwages plus deferment of two increments without cumulative effect. In compliance with the above said order, the petitioner was reinstated into service vide proceedings dated 24.1.2014. Since the petitioner was out of employment for a long period, his reinstatement was subject to verification about his driving licence

and other suitability. The petitioner had not reported to duty immediately in pursuance of the order dated 24.1.2014 and he subjected himself to regular medical tests and also training at Zonal Training College, Warangal and he completed training on 9.10.2014 and reported to duty on 11.10.2014 at Vemulawada Depot. The wages are being paid to him from the date on which he started performing duty i.e., 12.10.2014.

6. The grievance of the petitioner is that he was not paid wages from 26.3.2013 to 11.10.2014. He is claiming wages from the date of order in W.P.No.5582 of 2002 i.e., 26.3.2013. As can be seen from the record, it is obvious that in pursuance of the orders of this Court in W.P.No.5582 of 2002, the petitioner was reinstated into service vide order dated 24.1.2014. However, he submitted application on 10.4.2014 stating that he met with an accident and subsequently, he submitted himself for medical tests and suitable training at Zonal Training College and he completed the training on 9.10.2014 and reported to duty on 11.10.2014 at Vemulawada Depot. From 12.10.2014, the wages are being paid to the petitioner. There is no illegality in the action of the respondents in paying the wages to the petitioner from 12.10.2014. The petitioner is not entitled to wages as claimed by him. This writ petition is devoid of merits and the same is liable to be dismissed.

7. Accordingly, the Writ Petition is dismissed. No costs. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

JUSTICE ABHINAND KUMAR SHAVILI

Dated: 6th July, 2018.
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HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

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06/07/2018

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