

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.14917 of 2002

ORDER:

This writ petition is filed seeking to issue a writ of mandamus declaring the order passed in M.P.No.22 of 1999 on the file of the 4th respondent, as illegal and arbitrary. A consequential direction is also sought to the respondents to pay an amount of Rs.84,886/- for which the petitioner is entitled to, along with interest at 24% from 26.08.1991 till the date of realization.

Heard Si B. Sudhakar Reddy, learned counsel for the petitioner, and Si B. Mayur Reddy, learned standing counsel appearing on behalf of respondents 1 to 3.

It has been contended by the petitioner that he was appointed as Conductor in the respondent corporation in the year 1987. While he was discharging his duties during March, 1989 the checking officials of the respondent corporation conducted a check and found that he had indulged in cash and ticket irregularities. The disciplinary authority after conducting a detailed enquiry had imposed punishment of removal from service vide proceedings dated 31.07.1989. Aggrieved by the same, he unsuccessfully preferred an appeal and thereafter filed I.D.No.16 of 1990 on the file of the Industrial Tribunal-cum-Labour Court. The Tribunal vide orders dated 21.03.1990 directed the respondent corporation to reinstate him into service as cleaner by reducing his rank from the post of conductor, with continuity of service and without back wages. Challenging the same, he filed W.P.No.14655 of 1994 and the said writ petition was partly allowed vide orders

dated 26.02.1997 setting aside the order of appointing him as cleaner and directing the respondent corporation to reinstate him as conductor. Pursuant to which, he was reinstated on 26.03.1991. The petitioner contends that during the interregnum period i.e., from the date of reinstatement till the orders passed by this Court in W.P.No.14655 of 1994, the petitioner was continued as cleaner instead of conductor and therefore claiming difference of wages, he filed M.P.No.22 of 1999 on the file of the Industrial Tribunal-cum-Labour Court, Warangal under Section 33 (c)(2) of the Industrial Disputes Act and the Tribunal had erroneously dismissed the M.P. vide orders dated 05.09.2001. Questioning the same, the present writ petition is filed.

Learned standing counsel for the respondents has contended that in pursuance of the orders passed by the Tribunal, the petitioner was reinstated as cleaner and the case of the petitioner would be considered in accordance with law.

This Court having considered the submissions made by the parties is of the considered view that the Tribunal erred in dismissing the M.P.No.22 of 1999 vide orders dated 05.09.2001 and the Tribunal ought to have appreciated that the writ petition No.14655 of 1994 filed by the petitioner was allowed partly vide orders dated 26.02.1997 wherein the orders passed by the Tribunal in I.D.No.16 of 1990 were modified to the effect that the petitioner should be reinstated as Conductor. As per the orders passed by this Court in W.P.No.14655 of 1994 dated 26.02.1997, the petitioner is entitled for difference of wages and the petitioner is bound to be reinstated as Conductor.

Therefore, the writ petition is disposed of directing the respondents to pay the difference of wages to the petitioner as claimed by him in M.P.No.22 of 1999 on the file of the Industrial Tribunal-cum-Labour Court, Warangal, within four weeks from the date of receipt of a copy of this order.

Consequently, miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

ABHINAND KUMAR SHAVIL, J

11th December, 2018
cbs



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(disposed of)

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