

***IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH**

**THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN
AND**

THE HON'BLE MS.JUSTICE J. UMA DEVI

+ WRIT APPEAL No.1478 OF 2018

% Date:26.11.2018

Between:

M/s. Telangana State 108 Employees Union (Regd.No.H-
75/2018/TS) Manikeshwarinagar, Rep. by its General Secretary
Sri G. Anjaiah.

... Appellant

v.

\$ The State of Telangana, Rep. by its Chief Secretary,
Secretariat, Saifabad, Hyderabad and others.

.. Respondents

! For Appellant

: Mr. Chikkudu Prabhakar

^ For Respondents

: GP for GAD,
GP for Medical & Health (TG)
Mr. G. Vidya Sagar, Sr. Counsel
For Mr. A. Tulsi Raj Gokul

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> Head Note

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? Cases Referred

: Nil

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HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

THE HON'BLE MS.JUSTICE J. UMA DEVI

WRIT APPEAL No.1478 OF 2018

JUDGMENT: *(Per V. Ramasubramanian, J)*

Aggrieved by their termination, merely because they demanded their service rights, the Trade Union of Employees filed a writ petition. The learned Single Judge while ordering notice before admission, passed a limited interim order that if the vacancies created due to the termination of the members of the Trade Union are sought to be filled up, the terminated employees should be given first preference. Not satisfied with such an order, but demanding a direct reinstatement, by way of an interim order, the Trade Union has come up with the above writ appeal.

2. Heard Mr.Chikkudu Prabhakar, learned counsel for the appellant and Mr. G. Vidya Sagar, learned Senior Counsel appearing for Mr. A. Tulsi Raj Gokul, who takes notice for the 4th respondent.

3. The grievance of the appellant can be best understood by having a look at the operative portion of the order passed by the learned Judge. Therefore, it is extracted as follows:

“Notice before admission, returnable in four weeks.

List on 12.11.2018 for admission – hearing. Pleadings if any be placed on record by the respective parties before the next date of hearing.

Meanwhile, if the vacancies are not already filled up and in the event of 4th respondent seeking to recruit persons from open market, first opportunity should be afforded to the persons whose services are terminated, by imposing appropriate conditions.

However, such reemployment/reengagement shall abide the result of the writ petition.

According to the learned counsel for the petitioner, for the work period also salary and allowances payable to the petitioner were not paid.

According to the learned counsel for the 4th respondent, all the amounts payable to them are paid.

However, if any amount is due for the period for which service was rendered by the members of petitioner Union, the same shall be paid within three weeks.”

4. While the appellant is happy that the learned Judge has granted a limited interim order to give first preference to the terminated employees, the appellant wants a blanket direction to reinstate the employees who were terminated, on the ground that the termination was completely contrary to law.

5. The learned counsel for the appellant contended that contrary to the mandate of the provisions of labour laws and the constitutional guarantees, the members of the appellant Union were engaged as bonded labourers to do work for more than 12 hours a day and that they were not even paid minimum wages and that when they sought to air their grievance, their services were terminated.

6. If all the contentions of the learned counsel for the appellant are accepted, it is a case which deserves to be allowed. But, unfortunately, the parameters for grant of an interim order are not confined merely to the existence of a good case on merits. At the time of grant of interim orders, the Court may have to take into account the other parameters. The learned Judge has taken note of the other parameters and has in fact alleviated the sufferings of the members of

the appellant Union by directing the 4th respondent to give first preference to the members of the appellant Union, even at the stage of interlocutory orders.

7. It is stated that the number of employees who were terminated were about 1650. It is stated by Mr. G. Vidya Sagar, learned Senior Counsel for the 4th respondent that about 524 out of 947 employees of the appellant Union have now been appointed.

8. In view of the fact that the scope of the enquiry at the stage of grant of interim order is extremely circumscribed, we do not think that the learned Judge would have done more. Hence, the Writ Appeal is dismissed.

However, it shall not preclude the 4th respondent from employing even more number of persons, merely because the appellant did not succeed in the writ appeal.

As a sequel thereto, miscellaneous petitions, if any pending, shall stand dismissed. No order as to costs.

V. RAMASUBRAMANIAN, J

J. UMA DEVI, J

November 26, 2018
KTL