

HIGH COURT FOR THE STATE OF TELANGANA

THE HON'BLE THE CHIEF JUSTICE SRI RAGHVENDRA SINGH CHAUHAN

AND

THE HON'BLE DR. JUSTICE SHAMEEM AKTHER

WRIT APPELLANT No.413 of 2019

22.07.2019

Between:

The Depot Manager, TSRTC,
Narayankhed Depot, Medak District

...Appellant

and

Begari Yeshaiah and another

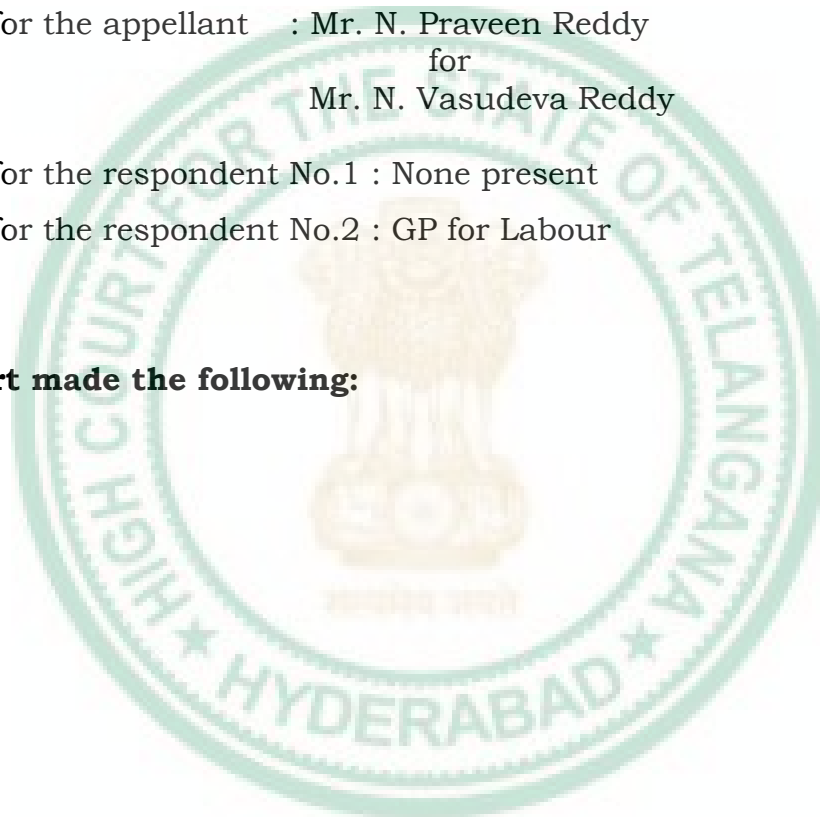
...Respondents

Counsel for the appellant : Mr. N. Praveen Reddy
for
Mr. N. Vasudeva Reddy

Counsel for the respondent No.1 : None present

Counsel for the respondent No.2 : GP for Labour

The Court made the following:



JUDGMENT: (Per the Hon'ble the Chief Justice Sri Raghvendra Singh Chauhan)

By order dated 01.07.2019, this Court made it amply clear that in case Mr. K. Subhas Reddy, the learned counsel for the respondent No.1, is not present before this Court on the next date, this Court shall proceed *ex parte* against the respondent No.1. This Court had also directed the Registry to send a copy of the said order to the respondent No.1. Despite the said clarification given by this Court, even today, Mr. K. Subhas Reddy, the learned counsel for the respondent No.1, is conspicuously absent from the Court. Therefore, this Court shall proceed *ex-parte* against the respondent No.1.

The Telangana State Road Transport Corporation, the appellant, has challenged the legality of the order dated 30.11.2018, passed by a learned Single Judge in W.P.No.9587 of 2004, whereby the learned Single Judge has dismissed the writ petition filed by the appellant; in the writ petition, the appellant had challenged the award dated 07.11.2003, passed by the learned Labour Court-II, Hyderabad, in I.D.No.210 of 1999, whereby the learned Labour Court had directed the appellant to reinstate the workman, Begari Yeshaiah, the respondent No.1, into service, and to pay full backwages, notional increments and other attendant benefits.

Briefly, the facts of the case are that in 1997, the respondent-workman was appointed as a Driver in the appellant-Corporation. During the course of his service, an allegation was made that he has committed a murder of one Mr. Begari Vittal on 02.11.1998. Since criminal proceedings had been initiated against the respondent-workman, and since he was arrested, he was suspended on 16.11.1998, and was eventually terminated from service on 10.11.1999. Since the respondent-workman was aggrieved by the termination order dated 10.11.1999, he challenged the same before the learned Labour Court by

filing an I.D, namely I.D.No.210 of 1999. By award dated 07.11.2003, the learned Labour Court, as mentioned hereinabove, not only directed reinstatement of the respondent-workman, but also directed payment of full backwages, notional increments, and other attendant benefits.

Since the appellant-Corporation was aggrieved by the award dated 07.11.2003, it filed the writ petition before this Court. However, as mentioned hereinabove, by order dated 30.11.2018, the learned Single Judge has dismissed the writ petition. Hence, the present appeal before this Court.

Mr. N. Praveen Reddy, the learned counsel appearing for the appellant-Corporation, has pleaded that the appellant-Corporation is not so much aggrieved by the order of reinstatement of the respondent-workman, as the said part of the award and the impugned order was implemented on 16.03.2004. However, the appellant-Corporation is certainly aggrieved by the direction “to pay full backwages, notional increments and other attendant benefits” to the respondent-workman by award dated 07.11.2003, which has been upheld by the learned Single Judge. Therefore, the prayer made by the appellant-Corporation is limited to the extent of “payment of full backwages, notional increments and other attendant benefits”. The learned counsel further submits that the respondent-workman has already retired on 16.03.2016, and he is receiving his pension. He further informs this Court that despite the fact that the respondent-workman was reinstated on 16.03.2004, and retired on 16.03.2016, during the said period, the respondent-workman has never been paid any part of the full backwages as directed by the learned Labour Court. For, the award passed by the Labour Court was, indeed, stayed by the learned Single Judge. Even after passing of the impugned order dated 30.11.2018, the respondent-workman has never been paid the full backwages.

Heard the learned counsel and perused the impugned order.

In catena of cases, the Hon'ble Supreme Court has clearly opined that merely because a person is acquitted in a criminal case, he is not entitled to an automatic reinstatement, and payment of full backwages. Therefore, while the learned Labour Court was justified in directing reinstatement of the respondent-workman, it was not justified in directing payment of the full backwages, notional increments and other attendant benefits. This aspect of the case has escaped the notice of the learned Single Judge.

Therefore, considering the fact that the respondent-workman has already retired from service on 16.03.2016, considering the fact that from 16.03.2004, the date on which the respondent-workman was reinstated, till his date of retirement, the full backwages are not paid to the respondent-workman, this Court modifies the impugned order dated 30.11.2018 passed by the learned Single Judge; while this Court upholds the order granting reinstatement to the respondent-workman, this Court directs that he shall not be entitled to receive the full backwages, notional increments and other attendant benefits.

With these directions, the writ appeal stands partly allowed. There shall be no order as to costs.

The miscellaneous petitions pending, if any, shall stand closed.

RAGHVENDRA SINGH CHAUHAN, CJ

DR. SHAMEEM AKTHER, J

22nd July, 2019
JSU

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