

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.5641 OF 2006

ORDER:

Heard Sri B.Mayur Reddy, learned Standing counsel for the petitioner-Corporation and Sri P.Sridhar Rao, learned counsel for the respondents 1 to 3.

This writ petition is filed seeking the following relief :-

“.....writ of certiorari calling for the records relating to the impugned order dated 7.11.2005 in M.P.No.54/2002 on the file of the 4th respondent directing to pay an amount of Rs.3,67,447/- to the petitioner within two months from the date of this order, failing which it carries interest @ 6% p.a. till date of payment, as illegal, arbitrary, unjust and without jurisdiction and consequently quash the same and to pass such other order or orders.....”

It has been contended by the petitioner-Corporation that one Y.Devadass-1st respondent was employed as a conductor with them and while he was discharging his duties he had indulged in cash and ticket irregularities and the petitioner Corporation had initiated disciplinary proceedings against him. After conducting detailed enquiry and for proven mis-conduct, petitioner Corporation had removed the 1st respondent from service vide order dated 21.01.1983. Challenging the removal order, the 1st respondent filed I.D.No.147 of 1987 before the Industrial Tribunal-cum-Labour Court under Section 2-A(2) of the Industrial Disputes Act, which was dismissed by the Tribunal vide order dated 19.06.1987. Thereafter, the 1st

respondent had challenged the order passed by the Tribunal by filing W.P.No.19396 of 1987 before this Court and this Court disposed of the said writ petition vide order dated 27.11.1996 directing the petitioner-Corporation to reinstate the 1st respondent into service afresh without continuity of service and backwages and other attendant benefits. The petitioner-Corporation, for various reasons, has not implemented the orders passed by this Court in W.P.No.19396 of 1987 dated 27.11.1996 and the 1st respondent had expired on 14.10.1999. Thereafter, the legal representatives of 1st respondent had filed MP.No.54 of 2002 before the Industrial Tribunal-cum-Labour Court, Warangal contending that the deceased employee i.e., Devadass ought to have been reinstated into service in compliance of the orders passed by this Court and petitioner-Corporation was supposed to pay the quantified amounts to which the deceased employee was entitled. The Industrial Tribunal-cum-Labour Court, vide order dated 07.11.2005, allowed MP.No.54 of 2002 directing the petitioner-Corporation to pay an amount of Rs.3,67,447/- to the deceased employee. Challenging the same, the present writ petition is filed.

Learned Standing counsel appearing for the petitioner-Corporation had contended that the deceased workman was not entitled for Employees Development Life Insurance Fund, Staff Benefit Trust, Additional Monetary Benefit Fund in lieu of employment of dependant, as he has never been

reinstated into service and that he was never in active service after being removed from service. He further contends that the Labour Court failed to appreciate the same and mechanically awarded the amount on the above said counts in favour of the respondents. Therefore, appropriate orders be passed in the writ petition setting aside the order dated 07.11.2005 passed by the labour Court awarding the amount of Rs.3,67,447/- in favour of deceased-1st respondent under the heads of Employees Development Life Insurance Fund, Staff Benefit Trust, Additional Monetary Benefit Fund in lieu of employment of dependant. As far as other amounts are concerned, the labour Court has rightly granted the same. The deceased workman ought to have been reinstated into service, so as to entitle him for certain benefits, and accordingly, his legal representatives.

Learned counsel appearing for respondents 2 and 3 had contended that the labour Court has rightly considered the issue and accordingly came to a conclusion that the deceased employee deemed to have been in active service pursuant to the orders passed by this Court in W.P.No.19396 of 1987 dated 27.11.1996 and when once it is deemed that the deceased employee is in active service, the legal representatives of the deceased employee are also entitled for the amounts quantified under Employees Development Life Insurance Fund, Staff Benefit Trust,

Additional Monetary Benefit Fund in lieu of employment of dependant. Therefore, there are no merits in the writ petition and the same is liable to be dismissed.

This Court, having considered the rival submissions of the learned counsel appearing for the respective parties, is of the considered view that the labour Court has elaborately discussed the issue at paragraph 8 of the impugned order specifically stating that the deceased employee and his legal representatives are entitled for the amounts quantified under Employees Development Life Insurance Fund, Staff Benefit Trust, Additional Monetary Benefit Fund in lieu of employment of dependant, if he is deemed to be in active service in compliance of the orders passed by this Court in W.P.No.19396 of 1987 dated 27.11.1996. When this Court has directed the deceased employee to be reinstated into service, the deceased employee and his legal representatives are entitled for the amounts under the above said counts. Therefore, there are no merits in the writ petition and the same is liable to be dismissed.

Accordingly, the writ petition is dismissed. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

Date: 19-12-2019
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