

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.15140 OF 2019

Date: 28.08.2019

Between:

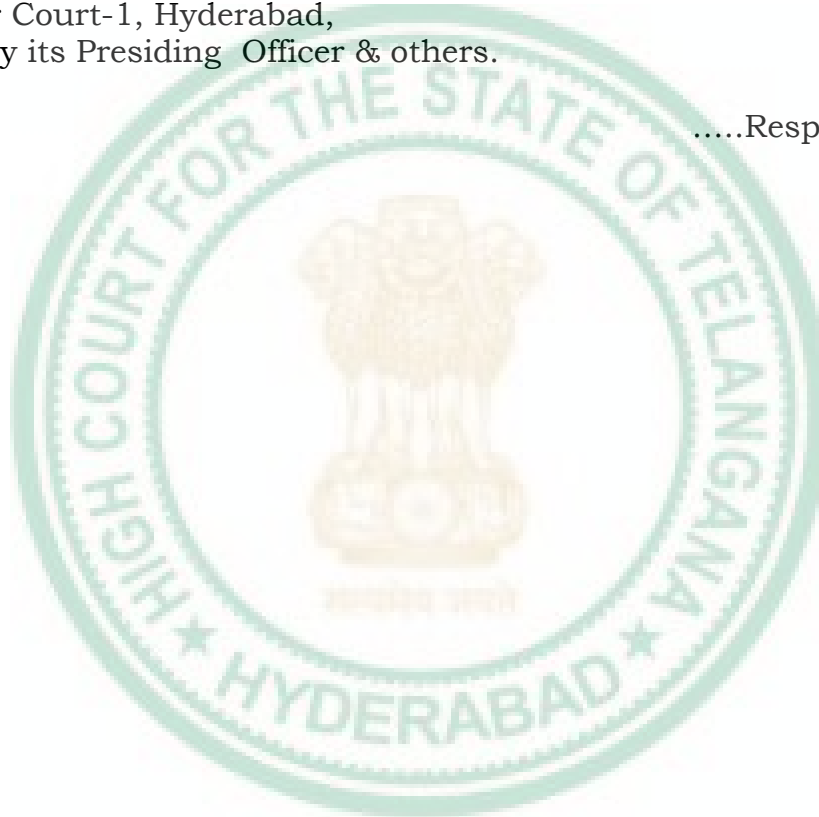
P. Anna Rao S/o.Showrila,
Aged about 49 yrs, Ex-Conductor (E.255937),
Dilsukhnagar Depot, City Region,
Hyderabad, R/o.Chanduru Village and Mandal,
Nalgonda District.

.....Petitioner

And

Labour Court-1, Hyderabad,
Rep., by its Presiding Officer & others.

.....Respondents



The Court made the following:

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO. 15140 OF 2019

ORDER:

Heard learned counsel for petitioner, learned Government Pleader for Labour for respondent No.1 and Sri N. Vasudeva Reddy, learned Standing counsel for TSRTC.

2. Petitioner was removed from service as conductor, with effect from 28.5.2004. Challenging the said removal from service, petitioner raised Industrial dispute in I.D.No.60 of 2007 before the Labour Court, Hyderabad. During the pendency of Award, with consent, the matter was referred to Lok Adalat. Before the Lok Adalat, parties have agreed for resolution of the dispute and accordingly, consent Award was passed on 05.05.2008, directing appointment of petitioner as fresh conductor. In compliance of the Award, proceedings were issued appointing the petitioner as a fresh conductor and posted him to Falaknuma Depot vide orders dated 08.08.2008 and petitioner was advised to report to the Depot Manager, Falaknuma. However, the said proceeding was not received by the petitioner. Apparently, petitioner did not join the service within the time granted by the employer.

3. In the year 2017 petitioner filed E.P.No.5 of 2017 alleging that the Award in I.D., was not complied. The said E.P., was dismissed by order dated 14.11.2018. The Labour Court observed that even though appointment order was issued as directed in the Award, petitioner did not choose to join and waited for nine long years to file E.P., and accordingly, dismissed the E.P., on both grounds i.e., delay as well as not reporting to duty even though order of appointment in terms of the Award was issued. In this writ

petition, petitioner challenges the decision of the Labour Court, dismissing the E.P.

4. By emphasizing the decision of the Labour Court dismissing the E.P., on the ground of delay as not valid, learned counsel for the petitioner placed reliance on the decision of this court in **V.Ramchander Vs Regional Manager, APSRTC, Nizamabad**¹.

5. However, as pointed out by learned Standing Counsel, even though opportunity was afforded to petitioner, he did not choose to join the duty. Though Labour Court also considered the aspect of delay in filing the E.P. and assuming that the judgment of this Court in **V.Ramchander** comes to the aid of petitioner, in the facts of this case, petitioner is not entitled to the relief as sought in the writ petition, since he did not comply with the employer's direction to join duty, within the time granted therein.

6. At this stage, learned counsel for the petitioner submits that petitioner is willing to take appointment order, even if it is offered now.

7. Learned standing counsel submits that if petitioner makes an application for appointment as fresh conductor, subject to his suitability to hold the post of conductor and subject to his undergoing medical examination, petitioner claim would be considered for fresh appointment.

8. Having regard to the said submission, the Writ Petition is disposed of directing the petitioner to make a representation to the Regional Manager, TSRTC, City Region, JBS Picket, Secunderabad-4th respondent, within one week from the date of receipt of copy of

¹ 2000 (6) ALD 83

this order, requesting to issue posting orders as a fresh conductor. On receiving such application, petitioner be subjected to medical examination and if he is found fit in the medical examination, he may be provided employment within four weeks thereafter, as fresh conductor. Pending miscellaneous petitions, if any, shall stand closed.

P.NAVEEN RAO,J

28th August, 2019
Rds

