

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 APPEAL No.610 OF 2019
24.07.2019

Between:

A. Sunitha

... Appellant

and

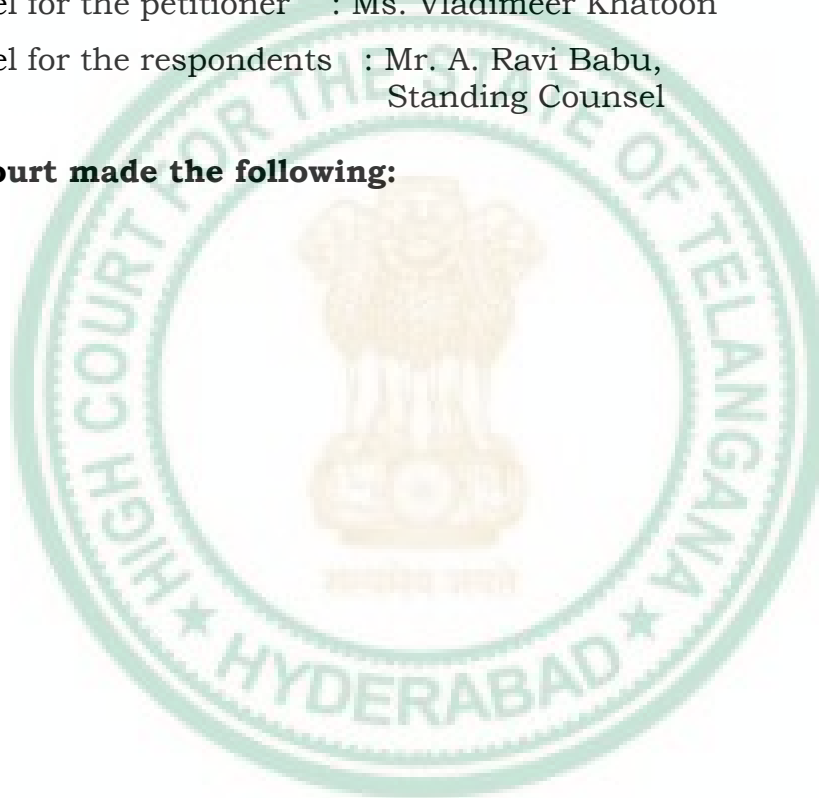
Telangana State Road Transport Corporation and others

...Respondents

Counsel for the petitioner : Ms. Vladimeer Khatoon

Counsel for the respondents : Mr. A. Ravi Babu,
Standing Counsel

The Court made the following:



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

Mr. A. Ravi Babu, the learned Standing Counsel, appears on behalf of the respondents.

With the consent of both the parties, this appeal is being decided at this juncture itself.

The appellant-petitioner has challenged the legality of the order dated 12.07.2019, passed by a learned Single Judge in I.A.No.1 of 2019 in W.P.No.14294 of 2019, whereby the learned Single Judge has declined to grant an interim stay in her favour.

In the writ petition, the appellant-petitioner had challenged the circular dated 27.05.2019, issued by the respondents, for implementing the Pradhan Mantri Rojgar Protsahan Yojana (PMRPY) scheme in TSRTC as unconstitutional, illegal and arbitrary, and had prayed that the respondents be directed not to recover from her, the employer's contribution from the monthly remuneration bills or from the security deposit, till the disposal of the writ petition.

According to the appellant-petitioner, due to the said circular, the respondents had directed recovery of the employer's contribution @8.33% from 01.08.2016 and @12% from 01.04.2018 from the contractors, such as the petitioner, from the monthly remuneration bills or from the security deposit, if the old/existing contractors claimed and received the contribution under the PMRPY scheme, in respect of new employees registered with EPFO on or after 01.04.2016 and upto 31.03.2019, and if such contractors were engaged to work in the TSRTC.

Since the appellant-petitioner had challenged the very recovery under the impugned circular, the learned Single Judge

ought to have stayed the recovery. After all, in case recovery were not stayed, and the litigation continued for some time, the entire employer's contribution amount may be recovered from the appellant-petitioner, thereby making the entire writ petition an academic exercise. Thus, it was imperative that interim stay should have been granted by the learned Single Judge atleast till the next date, if not during the pendency of the writ petition. However, the learned Single Judge has failed to do so.

Since an interim order is being challenged before this Court, this Court requests the learned Single Judge to decide the controversy as expeditiously as possible. This Court directs the respondents not to recover from the petitioner, the employer's contribution from the monthly remuneration bills or from the security deposit, during the pendency of the writ petition.

With these directions, the writ appeal stands disposed of. 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

24th July, 2019
JSU

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 APPEAL No.610 OF 2019****(Per the Hon'ble the Chief Justice Sri Raghvendra Singh Chauhan)****Date: 24.07.2019****JSU**