

**HON'BLE THE CHIEF JUSTICE SRI THOTTATHIL B. RADHAKRISHNAN
AND
HON'BLE SRI JUSTICE A. RAJASHEKER REDDY**

WRIT APPEAL No. 747 of 2017

JUDGMENT: *(per the Hon'ble Sri Justice A. Rajasheker Reddy)*

This Writ Appeal is filed against order dated 07.02.2017 wherein and whereby learned Single Judge allowed Writ Petition No.1388 of 2010 directing appellants to grant second increment to respondents in accordance with Clause 3.9.4 of National Coal Wage Agreement-IV dated 05.01.2001 and to complete said exercise within a period of two months from the date of receipt of a copy of that order.

Learned Standing Counsel appearing for appellants submits that respondents filed the Writ Petition with enormous delay and learned Single Judge could not have entertained the Writ Petition on the ground of laches and that training period could not be counted for the purpose of grant of increments.

On the other hand, learned counsel for respondents submits that learned Single Judge considering the fact that there was no delay on the part of respondents with respect to ventilating their grievance, rightly granted relief in favour of respondents, as such, no interference is called for in an intra-court appeal arising out of the order of learned Single Judge.

In this case, it is to be seen that the only issue to consider is whether training period of respondents can be counted for grant

of increment. A perusal of order under appeal would go to show that learned Single Judge after taking into account Circular dated 17.04.2009 and National Coal Wage Agreement-IV dated 05.01.2001, according to which, for every three years of service rendered, employee is entitled to one increment with maximum of two increments to be granted with effect from 01.07.1996, rightly came to the conclusion that training period can be counted for the purpose of grant of increments and thereby, directed appellants to grant second increment to respondents within stipulated period. Regarding delay, the learned Single Judge had considered the same and entertained Writ Petition and no exception can be taken.

In view of above facts and circumstances, we do not see any reason to take a different view in the matter and even if any other view is possible, we are not inclined to entertain the intra court appeal arising out of the order of learned Single Judge.

Accordingly, Writ Appeal is dismissed.

Pending miscellaneous petitions, if any, shall also stand dismissed. There shall be no order as to costs.

THOTTATHIL B. RADHAKRISHNAN, CJ

Date: 26.02.2019

A. RAJASHEKER REDDY, J

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