HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
(Special Original Jurisdiction)

MONDAY ,THE TWENTY FIRST DAY OF DECEMBER
TWO THOUSAND AND TWENTY

PRESENT

THE HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO: 23165 OF 2020

Between:

S.N. Gorak Nath, S/o. Subhanji, aged about 64 years, Occ. Ex.Helper, E. No. 111332, R/o. 10-5-342/3, Tukaramgat', Lalaguda, Secunderabad.

...PETITIONER

AND

1. The Managing Director, TSRTC, Bus Bhavan, Musheerabad, Hyderabad.
2. The Regional Manager (Hyderabad Region), TSRTC, M.G.B.S., Hyderabad.
3. The Depot Manager, TSRTC, Bus Depot, Falaknuma, Hyderabad.
4. The Depot Manager, TSRTC, B.H.E.L, Bus Depot, Ramachandrapuram, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate writ or direction particularly one in the nature of WRIT OF MANDAMUS, declaring the action of the respondents for not arranging the petitioners service benefits i.e., Gratuity, P.F. amount, Salary for the un-availed earned leave, pension payable under Employees Family Pension Scheme, S.R.B.S. (Staff Retirement Benefits Scheme), S.B.T (Staff Benevolent-cum-Thrift Fund), un-availed earned leaves salary, amount pending on his name in TSRTC Employees Cooperative Society, as arbitrary, unjust, in violation of Art. 14, 21 and 300-A of the Constitution of India and consequently direct the respondents to arrange the above benefits duly fixing his pay in the R.P.S. 2005 by taking into the basic pay of Rs. 4255/- drawn at the time of removal from service in the interest of justice and fair play.

IA NO: 1 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondents to arrange the service benefits as requested in the advocate notice dated 03.11.2020 pending disposal the above writ petition in the interests of justice and fair play.

Counsel for the Petitioner:SRI. V NARASIMHA GOUD

Counsel for the Respondents: SRI. N. VASUDEVA REDDY, SC FOR TSRTC

The Court made the following:

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.23165 of 2020

ORDER:

This writ petition is being disposed of at the admission stage with the consent of both the parties.

This writ petition is filed seeking the following relief:

> "....to issue an appropriate writ or direction particularly one in the nature of WRIT OF MANDAMUS, declaring the action of the respondents for not arranging the petitioner's service benefits i.e., Gratuity, P.F amount, salary for the un-availed earned leave, pension payable under Employees Family Pension Scheme, S.R.B.S (Staff Retirement Benefits Scheme), S.B.T (Staff Benevolent-cum-Thrift Fund), un-availed earned leave salary, amount pending on his name in TSRTC Employees Co-operative Society, as arbitrary, unjust, in violation of Art.14, 21 and 300-A of the Constitution of India and consequently direct the respondents to arrange the above benefits duly fixing his pay in the R.P.S.2005 by taking into the basic pay of Rs.4,255/- drawn at the time of removal from service in the interest of justice and fair play."

Heard Sri V. Narasimha Goud, counsel for the petitioner, and Sri N.Vasudeva Reddy, Standing Counsel appearing for the respondents.

It has been contended by the petitioner that initially he was appointed as Mazdoor in the respondent Corporation in the year 1986 and later he was promoted as a Helper and he has been discharging his duties to the best satisfaction of his superiors and every one

concerned. While so, the disciplinary authority had initiated disciplinary proceedings against the petitioner on the allegation of unauthorized absence and finally, after conducting regular enquiry, the petitioner was removed from service *vide* proceedings dated 19.10.2004. Thereafter, the petitioner has unsuccessfully preferred appeal and revision. Questioning the order of removal, the petitioner raised Industrial Dispute *vide* I.D.No.202 of 2005 before the Labour Court-I, Hyderabad, under Section 2-A (2) of the Industrial Disputes Act. By award dated 27.07.2006, the Labour Court directed the Corporation to reinstate the petitioner into service, however without continuity of service, attendant benefits and back wages. Pursuant to the said award, the respondents have issued proceedings dated 19.12.2006 directing the petitioner to report to duty. Counsel for the petitioner contended that due to ill-health, the petitioner could not report to duty, however, the respondents can settle the terminal benefits in favour of the petitioner for the period he has worked i.e., from 1986 till the date of his removal i.e., 19.10.2004. Therefore, counsel contended that appropriate orders be passed in the writ petition directing the 3rd respondent to consider the case of the petitioner for release of terminal benefits for the service rendered by him from 1986 till the date of removal from service.

Standing Counsel appearing for the respondents had contended that let the petitioner submit a representation afresh to the respondents

and then the respondents would consider the same and pass appropriate orders in accordance with law.

This Court, having considered the rival submissions of learned counsel for respective parties, is of the considered view that this writ petition can be disposed of directing the petitioner to submit a representation afresh to the respondents, staking his claim for service benefits for the service rendered by him from 1986 to 19.10.2004, within a period of two weeks from the date of receipt of a copy of this order. On such representation being received, the respondents shall consider the same and pass appropriate orders thereon in another eight weeks thereafter.

With the above directions, this writ petition is disposed of. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

SD/-K.VENKAIAH
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Managing Director, TSRTC, Bus Bhavan, Musheerabad. Hyderabad.
2. The Regional Manager (Hyderabad Region), TSRTC, M.G.B.S., Hyderabad.
3. The Depot Manager, TSRTC, Bus Depot, Falaknuma, Hyderabad.
4. The Depot Manager, TSRTC, B.H.E.L, Bus Depot, Ramachandrapuram, Hyderabad.
5. One CC to Sri. V. Narasimha Goud, Advocate [OPUC]
6. One CC to Sri. N. Vasudeva Reddy, SC for TSRTC [OPUC]
7. Two CD Copies.

PM

HIGH COURT

DATED:21/12/2020



ORDER

WP.No.23165 of 2020

Disposing of the WP
Without costs.

SIV
8 copies
Dt 2/01/2021