

THE HONOURABLE SMT. JUSTICE P. MADHAVI DEVI

WRIT PETITION NO.25362 OF 2004

ORDER

This Writ Petition is filed by the APSRTC under Article 226 of the Constitution of India seeking a Writ, order or direction, more particularly one in the nature of Writ of Certiorari by calling for the records and to quash the award of the Labour Court-II, Hyderabad in M.P.No.53 of 2002 dt.13.07.2004 by which an amount of Rs.17,264/- was awarded to the 1st respondent workman, as bad in law and consequently to direct that only half pay of the same i.e. Rs.8,632/- is payable to him for the concerned put off duty period and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

2. Brief facts leading to the filing of this Writ Petition are that the 1st respondent workman was engaged as a casual driver on daily wages at Bodhan depot, but after he caused a fatal accident to AAZ 5227 on 29.09.1989, he was terminated from service. The 1st respondent raised an industrial dispute before the Labour Court in M.P.No.53 of 2002 submitting that he is having a right to receive a sum of Rs.18,422/- from the Corporation towards the wages he was entitled to for the period from 29.09.1989, i.e., the date when he was put off duty to 01.09.1990, i.e., the date of his termination from

service. The Labour Court awarded Rs.17,264/-, against which the Corporation has filed this Writ Petition.

3. Sri G. Prashanth, Learned, counsel representing Sri N. Praveen Reddy, learned counsel for the petitioner, submitted that in similar matter, this Hon'ble Court has awarded only 50% of the wages for the put off period instead of full wages as directed by the 2nd respondent Labour Court. A copy of the said order dt.17.12.2018 in W.P.No.21108 of 2004 is also filed before this Court.

4. In spite of notice, none appeared for the 1st respondent workman.

5. Therefore, taking into consideration the decision of a Coordinate Bench of this Court in W.P.No.21108 of 2004, dt.17.12.2018, the petitioner is directed to make payment of 50% of the wages for the put off period to the 1st respondent workman, if not already paid.

6. The Writ Petition is accordingly allowed. No costs.

7. Pending miscellaneous petitions, if any, in this Writ Petition shall stand closed.

JUSTICE P. MADHAVI DEVI

Date: 29.12.2021

Svv