

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

**FRIDAY, THE FIFTEENTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HON'BLE SMT JUSTICE JUVVADI SRIDEVI

WRIT PETITION NO: 34849 OF 2014

Between:

A. Sathaiah, S/o. late Ramaiah,, Occ Ex-Driver, E. No. 250041, R/o. 1-50, 1st Ward, Harizanawada, Devarakonda, Nalgonda District.

...PETITIONER

AND

1. APSRTC, Rep. by its Managing Director,, Bus Bhavan, Mushoerabad, Hyderabad.
2. The Regional Manager, APSRTC,, Nalgonda Region, Nalgonda.
3. The Depot Manager, APSRTC, Bus, Depot, Suryapet, Nalgonda Dist.
4. The Commissioner,, Regional Provident Commission, Barkatpura, 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 for the service the petitioner rendered from 10.11.1986 to 07.02.2006 i.e., accumulated P.F. amount, Pension, Gratuity, un-availed earned leave salary, pension, S.R.B.S.,(Staff Retirement Benefit Scheme) S.B.T., (Staff Benevolent-cum-Thrift Fund) and C.C.S (Credit Cooperative Society) amounts as illegal, unjust ad well as in violation of Art. 14, 21 and 300-A of the Constitution of India and consequently, the petitioner pray this Honble Court may be pleased to direct the respondents to arrange above benefits in the interest of justice and fair play

I.A. NO: 1 OF 2014(WPMP. NO: 43598 OF 2014)

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 No. 1 to 3 to arrange the service benefits for the service the petitioner rendered from 10-11-1986 to 07-02-2006 in respect of payment of gratuity, P.F. accumulated amount, un-availed earned leave salary, S.R.B.S., (Staff Retirement Benefit Scheme) S.B.T., (Staff Benevolent cum Thrift Fund) and C.C.S. (Credit Cooperative Society) and pension payable by the 4th respondent, pending disposal of the above writ petition in the interest of justice and fair play

Counsel for the Petitioner: SRI V. NARASIMHA GOUD

Counsel for Respondent Nos. 1 to 3: SRI GADDAM SRINIVAS (SC FOR TSRTC)

Counsel for Respondent No. 4: SRI RAVINDRA YANAMANDRA

The Court made the following: ORDER

THE HON'BLE SMT. JUSTICE JUVVADI SRIDEVI

WRIT PETITION No.34849 of 2014

ORDER:

This writ petition is filed seeking to declare the action of respondents in not paying the service benefits of petitioner as arbitrary, illegal and seeks consequential direction directing the respondents to pay the amounts towards Provident Fund, pension, gratuity, un-availed earned leave amounts, SRBS, SBT and CCS amounts for the services rendered by him from 10.11.1986 to 07.02.2006.

2. Heard both sides and perused the record.
3. Petitioner was appointed as a Driver in the respondent-Corporation on 10.11.1986 and his services were regularized with effect from 05.08.1987. He was removed from service on 07.02.2006 on the ground of unauthorized absence. When he requested the respondents to settle his service benefits for the period of his service i.e. from 10.11.1986 to 07.02.2006, the respondents did not pay the same. Hence, this writ petition.
4. It is also stated that pursuant to the interim orders of this Court, dated 18.11.2014, the respondent-Corporation has paid the SRBS, PF (T) and CCS amounts to the petitioner.

5. Counter affidavit has been filed by the respondents admitting about the service of petitioner with the Corporation from 10.11.1986 to 07.02.2006. It is also stated that they have paid him the amounts towards SRBS, PF (T) and CCS amounts pursuant to the interim orders of this Court, dated 18.11.2014. It is their case that the petitioner is not entitled to any amount towards un-availed earned leave as he was removed from service. In this connection, they referred to Regulation 50 (B) of the TSRTC Employees (Leave) Regulations and also contended that in similar matter in W.A.No.138 of 2019 preferred by the Corporation, the Hon'ble Division Bench of this Court has granted stay of payment of such benefits. It is further contended that the petitioner is not eligible for any pension, as he has not completed 55 years of age as on the date of removal i.e. 07.02.2006. Accordingly, they prayed for dismissal of the writ petition.

6. In this case, the service of petitioner with the respondent-Corporation from 10.11.1986 to 07.02.2006 is not in dispute. The ground on which the respondents are denying payments to the petitioner is that he was removed from service. Regulation 50 (B) of the TSRTC (Leave) Regulations deals with encashment of earned leave. As per the said Regulation, an employee of the Corporation entitled for encashment of leave earned during his service and the

amount towards the earned leave accumulated during the period of service is payable to the employee on his retirement from service or on cessation of employment or on death. The said provision does not prohibit payment of such amount in case if an employee is removed from service. Therefore, the respondents cannot deny payment towards encashment of earned leave accumulated during the period for which the petitioner had worked with them. Coming to the interim order passed by the Hon'ble Division Bench of this Court in W.A.No.138 of 2019, the said writ appeal has been preferred by the Corporation against the order of a learned Single Judge in W.P.No.578 of 2011, dated 04.10.2018, wherein, the learned Single Judge has directed the respondent-Corporation to pay gratuity and earned leave amounts to the petitioner therein. It is to be seen that it was only an interim order and the matter has not attained finality.

7. On the other hand, learned counsel for petitioner has relied on the Hon'ble Division Bench judgment of this Court in W.A.No.640 of 2007, dated 13.04.2015, which relates to the case of an employee removed from service. In such circumstances, while referring to Regulation 50 (B) of the TSRTC Employees' (Leave) Regulations, it is held that the said Regulation does not contain any prohibition for encashment of leave in case of employees who were removed from service, and accordingly, confirmed the orders of the learned Single

Judge directing to pay amount towards 77 days of earned leave. Petitioner has further relied on a judgment of this Court in W.P.No.10528 of 2014, dated 09.08.2023, wherein, this Court has directed for payment of amount towards un-availed earned leave with interest @6% per annum.

8. The aforesaid judgments relied on by the learned counsel for petitioner are squarely applicable to the facts of the present case. Therefore, this Court is of the considered view that the petitioner is entitled for the amounts claimed by him including pension, as he had rendered 20 years of service.

9. Accordingly, this writ petition is allowed directing the respondents to pay the petitioner, the accumulated PF amount, gratuity, un-availed earned leave salary, pension, SRBS (Staff Retirement Benefit Scheme), SBT and CCS amounts along with interest @6% per annum within a period of two (02) months from the date of receipt of a copy of this order, after deducting the amounts already paid pursuant to the interim orders of this Court. No costs.

Pending miscellaneous applications, if any, shall stand closed.

SD/- N. CHANDRA SEKHAR RAO
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,
1. The Managing Director, APSRTC, Bus Bhavan, Musheerabad, Hyderabad,

2. The Regional Manager, APSRTC., Nalgonda Region, Nalgonda.
3. The Depot Manager, APSRTC, Bus, Depot, Suryapet, Nalgonda Dist.
4. The Commissioner,, Regional Provident Commission, Barkatpura, Hyderabad.
5. One CC to Sri V Narasimha Goud Advocate [OPUC]
6. One CC to Sri Ravindra Yanamandra Advocate [OPUC]
7. One CC to Sri Gaddam Srinivas (SC FOR TSRTC) Advocate [OPUC]
8. Two CD Copies

MBC
GJP

[Handwritten signature]

HIGH COURT

DATED: 15/12/2023



ORDER

WP.No.34849 of 2014

ALLOWING THE WRIT PETITION

WITHOUT COSTS

(10) $\frac{V23}{28/12/23}$