

HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

**MONDAY, THE TWENTIETH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY THREE**

PRESENT

**THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI
AND
THE HON'BLE SHRI JUSTICE ANIL KUMAR JUKANTI**

**I.A.NO.2 OF 2023
IN/AND
WRIT APPEAL NO.329 OF 2022**

Writ Appeal under clause 15 of the Letters Patent Preferred against the Order Dated 03-01-2022 in W.P.No.24178 of 2007 on the file of the High Court.

Between:

The Depot Manager, Telangana State Road Transport Corporation, (previously A.P.S.R.T.C), Narsampet, Warangal District.

...APPELLANT

AND

1. G. Mallaiah, S/o. Yellaiah, Aged about 69 years, Occ. Ex-Conductor, (E-89980), R/o.Gurujala Village, Chennaraopeta Mandal, Warangal District.
2. The Labour Court, Warangal, Rep. by its Presiding Officer

...RESPONDENTS

IA NO: 2 OF 2022

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 suspend the order dated 03-01-2022 passed by the Learned Single Judge in W.P.No.24178 of 2007 in the interest of justice.

IA NO: 1 OF 2023

Between:

G. Mallaiah and another, S/o. Yellaiah, Aged about 69 years, Occ: Ex-Conductor, E-89980, R/o.Gurujala Village, Chennaraopeta Mandal, Warangal District.

...APPELLANT/R1

AND

1. The Depot Manager, Telangana State Road Transport Corporation, Previously A.P.S.R.T.C., Narsampet, Warangal District.
2. The Labour Court, Warangal, Rep. by its Presiding Officer

...RESPONDENTS

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 vacate the interim order dated 06.06.2022 passed in I.A.No.1 of 2022 in W.A.No.329/2022 as it devoid of merits and dismiss the appeal.

IA NO: 2 OF 2023

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 consider petitioner case for granting Rs.3 Lakhs (Rupees Three Lakhs) compensation in lieu of reinstatement towards petitioner service.

Counsel for the Appellant: SRI THOOM SRINIVAS, S.C. FOR TSRTC

Counsel for the Respondent No.1: SRI A. K. JAYAPRAKASH RAO

Counsel for the Respondent No.2: GP FOR LABOUR

The Court made the following: COMMON JUDGMENT

**THE HON'BLE SHRI JUSTICE ABHINAND KUMAR SHAVILI
AND
THE HON'BLE SHRI JUSTICE ANIL KUMAR JUKANTI**

**I.A.No.2 OF 2023
IN/AND
WRIT APPEAL No.329 OF 2022**

COMMON JUDGMENT: (Per AKS,J)

This Writ Appeal is filed aggrieved by the order, dated 03.01.2022, passed in W.P.No.24178 of 2007 by a learned Single Judge of this Court.

2. Heard Sri Thoom Srinivas, learned Standing Counsel for TSRTC, appearing for the appellant and Sri A.K. Jayaprakash Rao, learned counsel appearing for respondent No.1.

3. Learned Standing Counsel appearing for the appellant had contended that respondent No.1 was working as a Conductor with the appellant. While he was conducting a bus, a surprise check was conducted and it was noticed that respondent No.1 was involved in cash and ticket irregularities. The disciplinary authority, construing the same as misconduct, initiated disciplinary proceedings against respondent No.1 and after conducting a detailed enquiry and for the proven misconduct in the enquiry, imposed punishment of removal from service on respondent No.1 *vide* order, dated 24.09.2001. Aggrieved by the same, respondent No.1 filed I.D.No.21 of 2003, under Section 2A(2) of the Industrial

Disputes Act, 1947, before the Industrial Tribunal-cum-Labour Court, Warangal (for short, 'Industrial Tribunal'), and the Industrial Tribunal *vide* Award, dated 24.04.2006, was pleased to dismiss the said I.D. Aggrieved by the same, respondent No.1 approached this Court by filing the subject Writ Petition and a learned Single Judge of this Court *vide* impugned order, dated 03.01.2022, was pleased to partly allow the subject Writ Petition by modifying the punishment of removal from service to that of stoppage of two increments without cumulative effect. Further, the learned Single Judge, instead of granting back-wages, awarded lump sum compensation of Rs.3,00,000/- to respondent No.1, without appreciating any of the contentions raised by the appellant.

4. Learned Standing Counsel appearing for the appellant had further contended that the learned Single Judge could not have modified the punishment of removal from service to that of stoppage of two increments without cumulative effect, by sitting as an appellate authority over the order passed by the disciplinary authority. Therefore, appropriate orders be passed in the Writ Appeal by setting aside the impugned order, dated 03.01.2022, and allow the Writ Appeal.

5. On the other hand, learned counsel for respondent No.1 had contended that the Industrial Tribunal ought to have interfered

with the punishment of removal from service on the ground that the punishment imposed by the disciplinary authority is shockingly disproportionate to the charges levelled against respondent No.1. Learned counsel further contended that during pendency of the subject Writ Petition, respondent No.1 has attained the age of superannuation and therefore, the learned Single Judge was justified in modifying the punishment of removal from service to that of stoppage of two increments without cumulative effect. Learned counsel further contended that the learned Single Judge instead of granting back-wages has rightly awarded lump sum compensation of Rs.3,00,000/-.

6. Be that as it may, learned counsel for respondent No.1 had further contended that respondent No.1 is willing to settle the matter with the appellant and therefore, respondent No.1 filed I.A.No.2 of 2023 seeking to grant lump sum amount of Rs.3,00,000/- towards compensation in lieu of reinstatement. Learned counsel further contended that as far as modification of punishment is concerned, the same can be set aside. Learned counsel further contended that, in the interest of justice, appropriate orders be passed in the Writ Appeal, as admittedly, respondent No.1 has attained the age of superannuation during pendency of the subject Writ Petition and that the question of

reinstatement of respondent No.1 into service, at this point of time, would not arise.

7. This Court, having considered the rival submissions made by the learned counsel for the parties, is of the considered view that respondent No.1 has filed an affidavit, dated 15.11.2023, in I.A.No.2 of 2023 stating that he will not make any claim against the appellant-Corporation, if only, an amount of Rs.3,00,000/- is awarded as compensation in lieu of reinstatement. The learned Standing Counsel appearing for the appellant, in principle, has agreed that the appellant-Corporation is willing to pay Rs.3,00,000/- to respondent No.1 in lieu of reinstatement, if only the impugned order, dated 03.01.2022, passed by the learned Single Judge is set aside. In view of the same and as the learned Single Judge could not have modified the punishment of removal from service to that of stoppage of two increments without cumulative effect and that respondent No.1 has attained the age of superannuation during pendency of the subject Writ Petition, this Court is of the considered view that the impugned order, dated 03.01.2022, is liable to be set aside. However, in view of the affidavit, dated 15.11.2023, filed by respondent No.1, ends of justice would be met, if the appellant is directed to pay

Rs.3,00,000/- as compensation to respondent No.1 in lieu of reinstatement of respondent No.1 into service.

8. Accordingly, the impugned order, dated 03.01.2022, passed in W.P.No.24178 of 2007 by a learned Single Judge of this Court, is set aside. However, the appellant-Corporation is directed to pay Rs.3,00,000/- (Rupees three lakhs only) as compensation to respondent No.1 in lieu of reinstatement of respondent No.1 into service. It is needless to state that respondent No.1 shall not claim any service benefits from the appellant-Corporation.

9. With the above observations/directions, I.A.No.2 of 2023 is ordered and the Writ Appeal is disposed of. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this Writ Appeal, shall stand closed.

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SD/- M. MANJULA
DEPUTY REGISTRAR

SECTION OFFICER

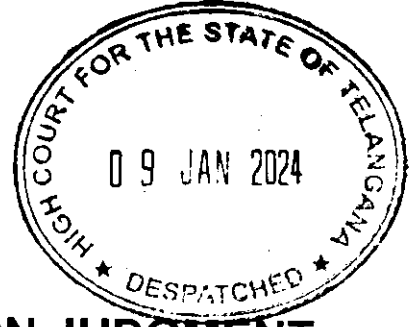
To,

1. The Depot Manager, Telangana State Road Transport Corporation, (previously A.P.S.R.T.C), Narsampet, Warangal District
2. The Presiding Officer, Labour Court, Warangal.
3. One CC to SRI THOOM SRINIVAS, S.C. for TSRTC [OPUC]
4. One CC to SRI A. K. JAYAPRAKASH RAO, Advocate [OPUC]
5. Two CCs to GP for Labour, High Court for the State of Telangana at Hyderabad [OUT]
6. The Section Officer, Writ Posting Section, High Court for the State of Telangana at Hyderabad.
7. The Section Officer, Writ Service Section, High Court for the State of Telangana at Hyderabad
8. Two CD Copies

MP
GJP

HIGH COURT

DATED:20/11/2023



COMMON JUDGMENT

**I.A.NO.2 OF 2023
IN/AND
W.A.NO.329 OF 2022**

**ORDERING THE I.A.NO.2 OF 2023
&
DISPOSING OF THE WRIT APPEAL
WITHOUT COSTS**

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RMD
1008/1/2024