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

TUESDAY, THE TWENTIETH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HON'BLE SRI JUSTICE PULLA KARTHIK

WRIT PETITION NO: 3470 OF 2024

Between:

B. Harinath, S/o. Late Jangaiah, Aged about 51 years, Occ.. Driver, E.220418, Musheerabad-I Bus Depot, Hyderabad.
R/o. H. No. 15-317/1, Thirumalanagar, Almasguda, Hyderabad

...PETITIONER

AND

1. The Presiding Officer, Labour Court-I, Chandravihar, Hyderabad.
2. The Telangana State Road Transport Corporation, Rep. its Vice Chairman and Managing Director, Bus Bhavan, Musheerabad, Hyderabad.
3. The Regional Manager, Hyderabad Region, TSRTC, Hyderabad.
4. The Depot Manager,, TSRTC, Musheerabad-I Bus Depot, Musheerabad, 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 a writ, order or direction more particularly one in the nature of WRIT OF CERTIORARI declaring the inaction of the 1st Respondent passed the Award in ID NO. 9 of 2022 which was published in GO Rt. No. 568 dated 30/10/2023 as a NIL award as illegal arbitrary, unjust disproportionate and set aside the same and consequential direct the respondent to reinstatement the petitioner into service as per the circular No. PD-43/86 dated 16/04/1986 with continuity of service with all attendant benefits with full back wages as the petitioner acquitted the from the criminal case in CC No. 18622 of 2019 dated 11/09/2023 on the file Honourable IX Addl. Chief Metropolitan Magistrate Hyderabad

IA NO: 1 OF 2024

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 direct the respondents to consider the petitioner representation dated 06/12/2023 for reinstatement into service as per the circular No. PD-43/86 dated 16/04/1986 as the petitioner acquitted from the Criminal Case in CC No. 18622 of 2019 dated

11/09/2023 on the file of Honourable IX Addl. Chief Metropolitan Magistrate at Hyderabad

Counsel for the Petitioner: SRI VENKATESWERLLU KESAMSETTY

Counsel for Respondent No. 1: GP FOR LABOUR

Counsel for Respondent Nos. 2 to 4: SRI THOOM SRINIVAS, SC FOR TSRTC

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE PULLA KARTHIK

WRIT PETITION No.3470 of 2024

ORDER:

With the consent of both the parties, the Writ Petition is disposed of at the stage of admission itself.

2) This Writ Petition is filed seeking the following relief:

> "... declaring the inaction of the 1st Respondent passed in Award in ID NO.9 of 2022 which was published in GO Rt.No.568 dated 30-10-2023 as a NIL award as illegal arbitrary, unjust disproportionate and set aside the same and consequential direct the respondent to reinstate the petitioner into service as per the circular No.PD-43/86, dated 16-04-1986 with continuity of service with all attendant benefits with full back wages as the petitioner acquitted the from the criminal case in CC No.18622 of 2019 dated 11-09-2023 on the file Hon'ble IX Addl. Chief Metropolitan Magistrate Hyderabad ..."

3) Heard Sri Venkateswerllu Kesamsetty, learned counsel for the petitioner, learned Government Pleader for Labour appearing for respondent No.1, and Sri Thoom Srinivas, learned Standing Counsel, appearing for respondents 2 to 4.

4) Learned counsel for the petitioner has contended that the petitioner was appointed as driver on 20.01.2011 and thereafter his services were regularized w.e.f.01.05.2014. While so, on 17.07.2019 while the petitioner was discharging his duties, he was involved in a fatal road accident, for which, besides initiation of criminal proceedings for the offence punishable under Section 304-

A of Indian Penal Code, he was placed under suspension and charge sheet dated 03.08.2019 was issued to him. After conducting an enquiry, he was removed from service on 18.12.2020. Aggrieved by the same, the petitioner has filed appeal and review, which were dismissed by the authorities on 21.06.2021 and 24.07.2021 respectively. Further, the Mercy Petition filed by the petitioner before the Executive Director was also dismissed on 16.11.2021. Aggrieved by the same, the petitioner has raised an Industrial Dispute in I.D. No.9 of 2022 and vide impugned award dated 23.08.2023 the Labour Court-I, Hyderabad, (in short 'Labour Court') has dismissed the I.D. At that juncture, the petitioner was acquitted from the criminal case vide judgment dated 11.09.2023 passed by the IX Additional Chief Metropolitan Magistrate at Hyderabad in C.C. No.18622 of 2019. Therefore, on 06.12.2023, the petitioner has made a representation to the Regional Manager-third respondent herein seeking reinstatement into service in view of acquittal from criminal case and also in the light of Circular Instruction No.17 vide Circular No.PD-43/86 dated 16.04.1986. However, till date no orders are passed thereon. Therefore, the learned counsel has prayed this Court to issue necessary directions to the respondents.

5) Per contra, the learned Standing Counsel has submitted that respondent No.3 will consider the representation dated 06.12.2023 submitted by the petitioner and pass necessary orders thereon in accordance with law.

6) In view of the above made submissions, without going into the merits of the case, the Writ Petition is disposed of directing the respondent No.3 to consider the representation dated 06.12.2023 submitted by the petitioner and pass appropriate orders thereon, strictly in accordance with law, in terms of Circular Instruction No.17 vide Circular No.PD-43/86 dated 16.04.1986 and duly taking into consideration the judgment dated 11.09.2023 passed by the IX Additional Chief Metropolitan Magistrate at Hyderabad in C.C. No.18622 of 2019, within a period of six weeks from the date of receipt of a copy of this order and communicate a copy thereof to the petitioner.

Miscellaneous petitions pending, if any, shall stand closed.

No costs.

Sd/- C. PRAVEEN KUMAR
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Presiding Officer, Labour Court-I, Chandravihar, Hyderabad.
2. The Regional Manager, Hyderabad Region, TSRTC, Hyderabad.
3. The Depot Manager,, TSRTC, Musheerabad-I Bus Depot, Musheerabad, Hyderabad
4. One CC to Sri Venkateswerllu Kesamsetty Advocate [OPUC]
5. Two CCs to GP For Labour, High Court for the State of Telangana. [OUT]
6. One CC to Sri Thoom Srinivas, SC for TSRTC (OPUC)
7. Two CD Copies

MBC

HIGH COURT

PK,J

DATED: 20/02/2024



ORDER

WP.No.3470 of 2024

DISPOSING OF THE WRIT PETITION

WITHOUT COSTS

(10) Copies
26/2/24