APHC010561902026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3460]**
(Special Original Jurisdiction)

FRIDAY, THE 30th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY

WRIT PETITION NO: 30670/2026

Between:

1. BYRU VEERANJANEYULU,, S/O VENKATESWARLU, AGED 51 YEARS, RIO DOOR NO 15-1-537/2, 1ST LANE, NEHRU NAGAR, MACHERLA, PALANADU DISTRICT.

...PETITIONER

AND

1. LABOUR COURT CUM INDUSTRIAL TRIBUNAL, REP. BY ITS CHAIRMAN CUM PRESIDING OFFICER, GUNTUR. 522004
2. ANDHRA PRADESH ROAD TRANSPORT CORPORATION, REP. BY ITS VICE CHAIRMAN AND MANAGING DIRECTOR, BUS BHAVAN, KRISHNA LANKA, VIJAYAWADA, KRISHNA DISTRICT. 520013
3. DISTRICT PUBLIC TRANSPORT OFFICER PTO, APSRTC, NARASARAOPET, PALANADU DISTRICT. 522601
4. THE DEPOT MANAGER, APSRTC, MACHERLA, PALANADU DISTRICT. 522426
5. THE EXECUTIVE DIRECTOR, APSRTC, NELLORE ZONE, NELLORE DISTRICT. 524004
6. THE STATE OF ANDHRA PRADESH, REP. BY ITS SPECIAL CHIEF SECRETARY, TRANSPORT, ROADS AND BUILDINGS (PTD.I) DEPARTMENT, AP SECRETARIAT, VELLAGAPUDI, AMARAVATI.522238

...RESPONDENT(S):

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 toto issue a writ, order or direction more particularly one in the nature of Certiorarised Mandamus or any other suitable writ declaring the impugned order dated 06.10.2026 of 1st respondent Labour Court in CFR No. 562 dated 10.09.2026 as Arbitrary, Illegal and Perverse as the same is in contravention to the Article. 14 of the Constitution of India and the provisions of the Industrial Disputes Act, 1947 and Quash the same and consequently direct the 1st respondent court to number the application vide CFR No. 562 dated 10.09.2026, grant the cost of the proceedings

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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 stay the operation of the impugned order dated 06.10.2026 in CFR No. 562 dated 10.09.2026 by directing the 1st respondent Labour Court to number the application vide CFR No. 562 dated 10.09.2026, pending further proceedings in this writ petition

Counsel for the Petitioner:

1. M PITCHAIAH

Counsel for the Respondent(S):

1. GP FOR SERVICES IV
2. P VENKATA RAO SC For APSRTC
3. GP FOR SERVICES II

The Court made the following:

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ORDER:

1. The present Writ Petition is filed seeking to declare the impugned order dated 06.10.2026, issued by Respondent No.1 in CFR No. 562, dated 10.09.2026, as illegal and arbitrary.

2. The Petitioner had raised an industrial dispute before the Industrial Tribunal-cum-Labour Court and Special Court for the Trial of Offences under the ESI Act, 1948, Guntur, seeking reinstatement with continuity of service, back wages, attendant benefits and other consequential reliefs, while questioning the removal order dated 13.03.2026.

3. The said application was rejected by the Industrial Tribunal before numbering the case on the ground that the Andhra Pradesh State Road Transport Corporation (for short, 'APSRTC') had been merged into the State Government of Andhra Pradesh vide the Andhra Pradesh State Road Transport Corporation (Absorption of Employees into Government Service) Act, 2019 (for short, 'the Act 36 of 2019'), and that its employees are governed by the Andhra Pradesh Civil Services (Conduct) Rules, 1964, and therefore, the Industrial Tribunal lacks jurisdiction to entertain the same.

4. Heard Sri M. Pitchaiah, learned counsel for the Petitioner.

5. The term ‘industrial dispute’ is defined under Section 2(q) of the Industrial Relations Code, 2020. The same is extracted below:

> *(q) "industrial dispute" means any dispute or difference between employers and employers or between employers and workers or between workers and workers which is connected with the employment or non-employment or the terms of employment or with the conditions of labour, of any person and includes any dispute or difference between an individual worker and an employer connected with, or arising out of discharge, dismissal, retrenchment or termination of such worker;*

6. As per the above, any dispute or difference between employers and workers, which is connected with employment or non-employment, or the terms of employment, or with the conditions of labour, comes under the definition of an ‘industrial dispute’. The term ‘employer’ is defined under Section 2(m) of the Industrial Relations Code, 2020, and the same reads as under:

> *(m) "employer" means a person who employs, whether directly or through any person, or on his behalf or on behalf of any person, one or more employee or worker in his establishment and where the establishment is carried on by any department of the Central Government or the State Government, the authority specified by the head of the department in this behalf or where no authority is so specified, the head of the department, and in relation to an establishment carried on by a local authority, the chief executive of that authority, and includes,-*
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> *(i) in relation to an establishment which is a factory, the occupier of the factory as defined in clause (n) of section 2 of the Factories Act, 1948 [63 of 1948] and, where a person has been named as a manager of the factory under clause (f) of sub-section (1) of section 7 of the said Act, the person so named;*
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> *(ii) in relation to any other establishment, the person who, or the authority which has ultimate control over the affairs of the*

establishment and where the said affairs are entrusted to a manager or managing director, such manager or managing director;

(iii) contractor; and

(iv) legal representative of a deceased employer;

7. A combined reading of both the provisions indicates that to entertain a dispute by the Labour Court, the same should come within the definition of “industrial dispute”. A dispute between employer and worker comes within the scope of “industrial dispute”. The term “employer” includes an establishment carried on by any department of state or central government.

8. Therefore, merely because APSRTC has been merged into the State Government of Andhra Pradesh, the same *per se* cannot be a ground to say that the Industrial Tribunal-cum-Labour Court does not have jurisdiction to entertain the dispute. Therefore, the Writ Petition is disposed of with the following directions:

(i) The impugned order, dated 06.10.2026 passed by Industrial Tribunal-cum-Labour Court and Special Court for the Trial of Offences under the ESI Act, 1948, Guntur is set-aside.

(ii) The CFR No.562 shall be numbered as I.D and shall be adjudicated on merits by the Industrial Tribunal-cum-

Labour Court and Special Court for the Trial of Offences under the ESI Act, 1948, Guntur.

9. No order as to costs.

10. As a sequel, miscellaneous petitions, pending if any, shall stand closed.

JUSTICE NYAPATHY VIJAY

Date: 30.10.2026
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THE HONOURABLE SRI JUSTICE NYAPATHY VIJAY

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Dated: 30.10.2026

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