

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

**TUESDAY, THE SEVENTEENTH DAY OF MARCH
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE SRI JUSTICE K. SARATH

WRIT PETITION NO: 2479 OF 2024

Between:

K. Nagarjuna, S/o. Late Narsimhaiah, Aged about 54 years, Occ. Blacksmith, E. No. 255781, R/o. P/219, Pylon Colony, Beside Noble School, Nagarjuna Sagar, Nalgonda District.

...PETITIONER

AND

1. TSRTC, Rept. By its Managing Director, Bus Bhavan, Musheerabad, Hyderabad.
2. The Regional Manager, TSRTC, Nalgonda Region, Nalgonda.
3. The Depot Manager, TSRTC, Bus Depot, Devarakonda, District. Nalgonda.
4. The Depot Manager, TSRTC, Bus Depot, Kodad, Suryapet District.

...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 order particularly one in the nature of WRIT OF MANDAMUS, declaring the action of the respondents for not paying the salary for the period from 01.10.2019 to 12.10.2023 along with all consequential benefits as illegal, arbitrary, and in violation Art. 14, 21 and 300(A) of the Constitution of India and consequently the petitioner pray this Honble High Court to direct the respondents to pay the salary for the period from 01.10.2019 to 12.10.2023 i.e., from the date of premature retirement till he was taken into service along with all consequential benefits including the continuity of service and notional increments and salary right from the date of premature retirement dated 01.10.2019 in the interest of justice and fair play.

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 to direct the respondents to fix the pay duly extending the continuity of service along with attended benefits (notional benefits) for the period from 01.10.2019 to 12.10.2023 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 the Respondents: SRI N.CHANDRA SEKHAR (S.O. FOR TSRTC)

The Court made the following: ORDER

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

THE HON'BLE SRI JUSTICE K.SARATH

WRIT PETITION No.2479 OF 2024

Date: 17.03.2026

Between:

K.Nagarjuna.

...Petitioner

AND

TSRTC, Rep. by its Managing Director
and others.

...Respondents

ORDER:

Heard Mr.V.Narasimha Goud, learned counsel for the petitioner and Mr.N.Chandra Sekhar, learned Standing Counsel for TGSRTC appearing for the respondents. Perused the material available on record.

2. Learned counsel for the petitioner submits that this writ petition is filed by the petitioner questioning the action of the respondents for not paying the salary for the period from

01.10.2019 to 12.10.2023 along with all consequential benefits, as illegal and arbitrary.

3. Learned counsel for the petitioner further submits that the petitioner joined the services in the respondents-Corporation as a cleaner on 01.11.1991 under the displaced employee's quota and the petitioner was regularized in the year 1992. While it being so, the respondent No.3 issued proceedings dated 20.01.2017 stating that the petitioner's date of birth as "17.09.1961" instead of "16.07.1969". Aggrieved by the said proceedings, the petitioner filed W.P.No.28008 of 2017 and this Court allowed the said writ petition on 31.07.2019. Thereafter, the respondents had filed Review I.A.No.2 of 2019 in W.P.No.28008 of 2017 and the same was dismissed on 20.01.2023. Despite the dismissal of review application, the respondents have not reinstated the petitioner into service. Subsequently, the petitioner filed C.C.No.945 of 2023. In view of the filing of said Contempt Case, the respondents have issued an Office Order *vide* No.P1/785(1)/23--KDD dated 13.10.2023 and reinstated the petitioner into service and on the same day,

the petitioner joined the duty. But the respondents have not paid the salary for the period from 01.10.2019 to 12.10.2023 i.e., from the date of premature retirement and till he was taken into service and also not paid all consequential benefits including continuity of service and increments etc. The said action of the respondents is illegal and arbitrary.

4. Learned counsel for the petitioner further submits that while reinstating the petitioner into service, the respondents mentioned in the Office Order dated 13.10.2023 that the reinstatement is subject to the outcome of the Writ Appeal filed by the respondents in W.A.No.598 of 2023. In the said writ appeal, there is no interim orders passed by the Division Bench of this Court and the same is still pending. The respondents have stated orally that till the disposal of the writ appeal, they will not pay any amounts to the petitioner and also treated the service of the petitioner as No Work – No Pay and the same is contrary to the orders of the Hon'ble Supreme Court. There is no mistake on the part of the petitioner and in view of the premature retirement orders issued by the respondents, the

petitioner is not permitted to join the duty or continuing in service. In view of the same, learned counsel requested this Court to allow the writ petition directing the respondents to pay the salary from 01.10.2019 to 12.10.2023 along with all consequential benefits.

5. Learned counsel for the petitioner has relied upon the following Judgments:-

***i. Shobha Ram Raturi v. Haryana Vidyut
Prasaran Nigam Limited and Ors¹***

***ii. K.Subramaniam (Died) through LRS
K.S.Balakrishnan & Ors v. M/s Krishna Mills Pvt.
Ltd²***

6. On the other hand, learned Standing Counsel for TGRTC, basing on the counter-affidavit, submits that the self-declaration of age by the petitioner at the time of the appointment, the Managing Director has accorded the permission to reckon the date of birth of the petitioner as "17.09.1961" instead of "16.07.1969" and after verifying the records, the respondents have passed the proceedings dated

¹ AIR 2016 SC 157

² 2025 SC Online SC 2383

20.01.2017 for retirement of the petitioner and altering the date of birth of the petitioner and to let him continue till his superannuation. Aggrieved by the said proceedings, the petitioner filed W.P.No.28008 of 2017 and the same was allowed and also subsequent dismissal of the review application, the respondents permitted the petitioner to join the duty by reinstating service on 13.10.2023. But the respondents have filed W.A.No.598 of 2023 and the same is still pending. In view of the same, the respondents are not paying salary to the petitioner for the period from 01.10.2017 to 12.10.2023, in view of the settled principle of No Work – No Pay. During the said period, the petitioner had not discharged any duties or rendered any service to the respondent Corporation and therefore, petitioner cannot claim salary for the said period as a matter of right. It is a well established principle of service jurisprudence that wages are payable only for the work actually performed and in the absence of any services rendered, the question of payment of salary for the said period does not arise and there is no valid ground to allow the writ petition. Hence, learned

Standing Counsel requested this Court to dismiss the writ petition.

7. After hearing both sides and perusing the material available on record, this Court is of the considered view that initially the petitioner joined duty on 01.11.1991. At the time of joining the duty, the respondents have recorded the date of birth of the petitioner as 16.07.1969. Thereafter, the respondents issued proceedings on 20.01.2017 by altering the date of birth of the petitioner as "17.09.1961" instead of "16.07.1969" and the same was subject matter before this Court in W.P.No.28008 of 2017 filed by the petitioner, which was allowed by this Court on 31.07.2019. Thereafter, the respondents, without implementing the orders of this Court, filed Review I.A.No.2 of 2019 in W.P.No.28008 of 2017 and the same was dismissed by this Court on 28.01.2023 and non-compliance of the said orders, the petitioner filed C.C.No.945 of 2023. In view of the filing of the said Contempt Case, the respondents have reinstated the petitioner into service through Office Order *vide* No.P1/785(1)/23--KDD dated

13.10.2023 and on the same day, the petitioner joined the duty. Now, the case of the petitioner is that after reinstatement of the petitioner, the respondents have not paid the salary to the petitioner for which he was out of service for the period from 01.10.2019 to 12.10.2023 and also not paid all the consequential benefits. In view of the same, the present writ petition is filed.

8. The main contention of the petitioner is that the respondents have to pay the salary for the period from 01.10.2019 to 12.10.2023 for which the petitioner was out of service as there is no fault on the part of the petitioner and the mistake on part of the respondents for altering the date of birth of the petitioner and retired prematurely. The said contention was accepted by this Court by allowing the writ petition in W.P.No.28008 of 2017.

9. The contention of the respondents is that the petitioner has not worked during the said period, in view of the same, the principle No Work – No Pay applies to the instant case and the

petitioner is not entitled for any salary or consequential benefits for the said period.

10. Learned Counsel for the petitioner has relied upon the Judgment of Hon'ble Supreme Court in **Shobha Ram Raturi (supra-1)** and the relevant portion of the Judgment reads as under:

3. Having given our thoughtful consideration to the controversy, we are satisfied, that after the impugned order of retirement dated 31.12.2002 was set aside, the appellant was entitled to all consequential benefits. The fault lies with the respondents in not having utilised the services of the appellant for the period from 1.1.2003 to 31.12.2005. Had the appellant been allowed to continue in service, he would have readily discharged his duties. Having restrained him from rendering his services with effect from 1.1.2003 to 31.12.2005, the respondent cannot be allowed to press the self serving plea of denying him wages for the period in question, on the plea of the principle of "no work no pay".

11. The said above findings of the Hon'ble Supreme Court would squarely apply to the facts of the instant case. As there is no fault on the part of the petitioner, the respondents prematurely retired the petitioner and this Court allowed the

W.P.No.28008 of 2017. In view of the same, the respondents have to pay the salary to the petitioner for the period from 01.10.2019 to 12.10.2023.

12. The other contention of the respondents is that the respondents have filed W.A.No.598 of 2023 before the Division Bench of this Court and the same is pending. In view of the same, the petitioner is not entitled to any service benefits for which he is out of service till the disposal of the said writ appeal and also mentioned in the reinstatement Office Order dated 13.10.2023.

13. On the other hand, learned counsel for the petitioner contended that mere pendency of the writ appeal is not a ground for non-payment of service benefits to the petitioner and the same is contrary to the orders passed by the Hon'ble Supreme Court in **K.Subramaniam (Died) through LRS K.S.Balakrishnan & Ors (supra-2)** and the relevant portion of the said order reads as under:

24. In the present case, the lessee challenged the fixation of fair rent but did not seek a stay of its

operation before the appellate or revisional fora. Mere filing of an appeal does not operate as a stay of the decree/order under appeal is the statutory ordainment in sub-rule (1) of Rule 5 of Order XLI, CPC. Payments were made belatedly and only after protracted litigation. Such conduct cannot be reconciled with bona fide doubt as to liability. Appellants, it is clear, defaulted in payment of rent and such default, on facts and in the circumstances, is undoubtedly a wilful default. The concurrent finding of the appellate authority, affirmed by the High Court, that the lessee and thereafter the appellants had been in wilful default, rests on sound appreciation of the legal position and the appellants' own admissions.

14. The said above findings of the Hon'ble Supreme Court would squarely apply to the facts of the instant case. As there is no stay order by the Division Bench, in view of the same, the respondents cannot state that the petitioner is not entitled for the service benefits till the disposal of the said writ appeal.

15. With the above findings, this Writ Petition is allowed directing the respondents to pay the salary for which the petitioner is out of service from 01.10.2019 to 12.10.2023 along with all consequential benefits within a period of twelve (12) weeks from the date of receipt of a copy of this order.

Miscellaneous petitions, if any, pending in this Writ
Petition shall stand closed. There shall be no order as to costs.

//TRUE COPY//

SD/- A.H.S.GOWRI SHANKAR
ASSISTANT REGISTRAR

SECTION OFFICER

One Fair Copy to the Hon'ble Sri Justice K. SARATH
(For His Lordship's Kind Perusal)

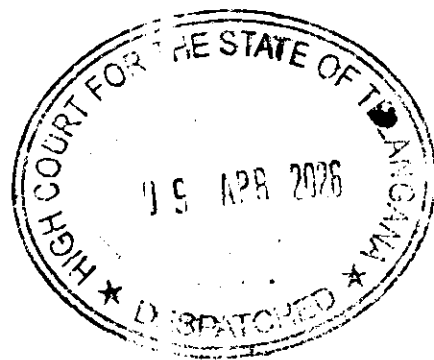
To,

1. The Managing Director, TSRTC, Bus Bhavan, Musheerabad, Hyderabad.
2. The Regional Manager, TSRTC, Nalgonda Region, Nalgonda.
3. The Depot Manager, TSRTC, Bus Depot, Devarakonda, District. Nalgonda.
4. The Depot Manager, TSRTC, Bus Depot, Kodad, Suryapet District.
5. One CC to SRI V.NARASIMHA GOUD, Advocate. [OPUC]
6. One CC to SRI N.CHANDRA SEKHAR (SC FOR TSRTC ZONE 2). [OPUC]
7. 11 LR.Copies
8. The Under Secretary, Union of India, Ministry of Law, Justice and Company Affairs, New Delhi.
9. The Secretary, Advocates' Association Library, High Court Buildings, Hyderabad.
10. Two CD Copies.

BSK 

HIGH COURT

DATED:17/03/2026



ORDER

WP.No.2479 of 2024

**ALLOWING THE WRIT PETITION
WITHOUT COSTS**

288
6/4/26