

THE HON'BLE SRI JUSTICE L. NARASIMHA REDDY

W.P.NO.18898 OF 2005

Dated 30-09-2005

Between:

Mohd.Shareef

Hyderabad.

...Petitioner

A n d

The Depot Manager, A.P.S.R.T.C.,

Hyderabad.

...Respondent

THE HON'BLE SRI JUSTICE L. NARASIMHA REDDY

W.P.NO.18898 OF 2005

ORDER:

The petitioner was initially appointed as a Driver in the A.P.S.R.T.C. He retired from service on 30-04-2003. His grievance is that though he has put in 35 years of service, he was paid gratuity only for 29 years and he challenges the action of the respondent in this regard.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondent.

The petitioner joined as Conductor in the year 1968 and retired from service in the year 2003. The basis for the respondent in denying the gratuity for a period of six years is that the petitioner was out of service from 5-3-1988 to 21-03-1988. It is a

matter of record that though the petitioner was removed from service on the basis of an enquiry conducted by the respondent authorities, he came to be reinstated pursuant to an award dated 07-01-1994 passed by the Labour Court-III, Hyderabad in I.D.No.311 of 1992. In its award, the Labour Court directed reinstatement of the petitioner with continuity of service and all other attendant benefits. It, however, denied the back wages.

The award passed by the Labour Court became final and with that there was no break in the service of the petitioner. In that view of the matter, the petitioner is entitled to be paid the gratuity for the entire period of service of 35 years. Therefore, the action of the respondent in denying the gratuity for six years cannot be sustained.

The writ petition is accordingly allowed, and the respondent is directed to pay the gratuity for the entire period of service from 1968 to 2003, within a period of six weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

L. NARASIMHA REDDY, J.

Dt.30-09-2005.

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