

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH  
AT HYDERABAD  
(Special Original Jurisdiction)

FRIDAY, THE THIRTY FIRST DAY OF OCTOBER  
TWO THOUSAND AND EIGHT

PRESENT  
**THE HON'BLE SRI JUSTICE C.V.RAMULU**  
**WRIT PETITION No.23645 of 2008**

Between:

F.M. Qurram S/o. Late Siddiqui Mohiuddin  
R/o. H.No.18-7-198/A/251/B, Murad Mahal, Jalab Kutta,  
New Moghal Pura, Hyderabad.

**..... PETITIONER**

AND

Depot Manager, A.P.S.R.T.C., Falaknama Depot,  
Engine Bowli, Hyderabad, AP- 053.

**.....RESPONDENT**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ or order or direction more particularly one in the nature of Writ of Mandamus directing the respondents to pay the gratuity for the period from the date of removal to re-instatement, which has been treated as continuity of service and other attendant benefits by the Hon'ble Addl. Labour Court at Hyderabad by passing award in I.D.No.58 of 1981 on 28-9-1983, non payment of gratuity for the said period is illegal, unjust, contrary to law, against the Principles of Natural Justice.

**Counsel for the Petitioner: MR.MOHD.GHOUSUDDIN**

**Counsel for the Respondent: MR.K.MADHAVA REDDY(SC  
FOR APSRTC)**

**The Court made the following:**

**THE HONOURABLE SRI JUSTICE C.V. RAMULU**

**WRIT PETITION No.23645 OF 2008**

**ORDER:**

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The only grievance of the petitioner is that after his retirement from the service of the respondent Corporation, though all the retirement benefits were paid to him, he is not being paid the gratuity for a period of five years, during which he was out of employment, even though he was reinstated into service with continuity of service in pursuance of the award dated 28.09.1983, made in I.D.No.58 of 1981 on the file of the Additional Industrial Tribunal-cum-Additional Labour Court, Hyderabad.

According to the learned counsel for the petitioner, the petitioner is entitled for continuity of service and other benefits as per the aforesaid award.

As seen from the record, the original copy of the aforesaid award is not available.

In the facts and circumstances of the case, without expressing any opinion on merits, I deem it appropriate to direct the respondents to consider the case of the petitioner for payment of gratuity for the period of five years during which he was out of employment, as per the award dated 28.09.1983 made in I.D.No.58 of 1981 on the file of the Additional Industrial Tribunal-cum-Additional Labour Court, Hyderabad, if he is

otherwise eligible, within a period of two months from the date of receipt of a copy of this order.

With the above directions, the writ petition is disposed of. No order as to costs.

**JUSTICE C.V. RAMULU**

31<sup>st</sup> October, 2008.  
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