

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

TUESDAY, THE THIRTY FIRST DAY OF OCTOBER
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI
AND
THE HONOURABLE SRI JUSTICE ANIL KUMAR JUKANTI

WRIT APPEAL NO: 287 OF 2023

Writ Appeal under clause 15 of the Letters Patent Preferred Against the Order dated 24-01-2023 in W P No 24533 of 2019 on the file of the High Court.

Between:

Janardan Kumar Joshi, S/o Motilal. Aged about 62 Years Occ. Employees, R/o Flat No. D 404, D Block, Swetha Subham Apartment, Near to Roma Hospital/KVR Garden, Cine Planet Lane, Kompally - 500100.

...APPELLANT

AND

1. The State of Telangana, Represented by its Principal Secretary, Labour Department, Secretariat, Hyderabad
2. M/s Orient Cement, Devour Unit, Adilabad District Rep its General Manager HR and IR.

...RESPONDENTS

IA NO: 1 OF 2023

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 2nd Respondent herein to pay full rages and all attended benefits from 8-11-1997 (date of reversion) to 30-11-2019 (Date of Retirement) on attaining he age of superannuation, according to time schedule to be fixed by this Honble court, pending disposal of above W.A.

IA NO: 2 OF 2023

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 order dt.24.01.2023 passed in W.P.No.24533 of 2019 by the learned Single Judge Smt. Lalitha Kanneganti, pending disposal of above Writ Appeal.

Counsel for the Appellant: SRI M. ANNAPPA SASTRY

Counsel for the Respondent No.1: GP FOR LABOUR

Counsel for the Respondent No.2: Smt. VEDULA CHITRALEKHA

The Court made the following: ORDER

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

AND

HON'BLE SRI JUSTICE ANIL KUMAR JUKANTI

W.A. No. 287 of 2023

ORDER : (Per AKSJ)

This Writ Appeal is filed aggrieved by the orders passed by the learned Single Judge in W.P.No.24533 of 2019 dt.24-01-2023.

2. Heard Sri M. Annappa Sastry, learned counsel for the petitioner and Smt. Vedula Chitralekha, learned counsel for the 2nd respondent.

3. It has been contended by the appellant that he was working as Clerk (Grade-V) with the 2nd respondent in Accounts Department. The 2nd respondent has reverted the appellant from Grade-V to Grade-IV vide orders dt.08-11-1997 without assigning any reasons. Aggrieved by the same, the appellant has raised an industrial dispute by filing I.D.No.59 of 1999 before the Industrial Tribunal-cum-Labour Court, Godavari Khani (for brevity 'the Tribunal') and the Tribunal was pleased to pass an award on

19-12-2000 holding that the reversion is illegal and the award was published on 31-03-2001.

4. The appellant has contended that the orders of the Tribunal were not implemented by the 2nd respondent and when the orders of the Tribunal were not implemented, he has approached the Tribunal by filing E.P.No.9 of 2014 in I.D.No.59 of 1999 under Section 11-B of the Industrial Disputes Act, 1947 (for brevity 'the Act, 1947') and the Tribunal has dismissed the said E.P. vide orders dt.10-04-2018 without appreciating any of the contentions raised by the appellant. Aggrieved by the same, he has filed W.P.No.2453 of 2019 challenging the award of the Tribunal and the learned Single Judge was pleased to dismiss the Writ Petition vide orders dt.24-01-2023 without appreciating any of the contentions raised by the appellant.

5. Learned counsel for the appellant has contended that when the Tribunal has passed an award in favour of the appellant way back in December 2000, the 2nd respondent has neither reinstated the appellant nor paid the salary. Therefore, appropriate

orders be passed in the Writ Appeal by setting aside the orders of the Tribunal in E.P.No.9 of 2014 in I.D.No.59 of 1999 dt.10-04-2018 and also the orders of the learned Single Judge in W.P.No.24533 of 2019 dt.24-01-2023 and also further direct the 2nd respondent to pay salary to the appellant from the date of passing of the award till the date of appellant attained the superannuation.

6. Learned counsel for the 2nd respondent has contended that immediately after orders passed by the Tribunal, the 2nd respondent has issued proceedings on 28-06-2001 directing the appellant to come and join as Grade-V in Personnel Department but the appellant has given a reply on 02-07-2001 expressing his inability to join duty due to illness and also the appellant was insisting that he should be posted as Grade-V in Accounts Department only. The appellant has absconded from duties from the date of reversion i.e. on 08-11-1997 and never reported to duty even after the Tribunal was pleased to pass an award in favour of the appellant. The 2nd respondent issued a letter dt.28-06-2001 restoring the status of the appellant as Grade-V and posted him in

the Personnel Department, but the appellant refused to come and join duty. When the appellant has not reported to duty after the orders of the Tribunal, the question of paying salary to the appellant would not arise as admittedly the appellant never reported to duty after passing an award by the Tribunal.

7. Learned counsel for the 2nd respondent has further contended that the appellant has filed E.P. in 2014 whereas award was passed by the Tribunal on 19-12-2000. Therefore, the Tribunal and the learned Single Judge were justified in dismissing the case of the appellant. Therefore, there are no merits in the Writ Appeal and the same is liable to be dismissed.

8. Having considered the submissions made by both the learned counsel, this Court is of the considered view that the Tribunal has rightly dismissed the E.P. preferred by the appellant as the appellant never reported to duty after passing an award in his favour on 19-12-2000 and the learned Single Judge was also justified in dismissing the Writ Petition as the appellant never reported to duty after an award was passed in his favour by the

Tribunal. Therefore, there are no merits in the Writ Appeal and the same is liable to be dismissed.

9. With these observations, the Writ Appeal is dismissed. There shall be no order as to costs.

10. Miscellaneous petitions, pending if any, shall stand closed.

SD/- B. SATYAVATHI
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. One CC to SRI M. ANNAPPA SASTRY, Advocate [OPUC]
2. One CC to Smt. VEDULA CHITRALEKHA, Advocate [OPUC]
3. Two CCs to GP FOR LABOUR, High Court for the State of Telangana. [OUT]
4. Two CD Copies

BN

GJP

PMG.

HIGH COURT

DATED:31/10/2023

ORDER

WA.No.287 of 2023



**DISMISSING THE WRIT APPEAL
WITHOUT COSTS**

② p.m.
31/11/23