

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

WEDNESDAY, THE TWENTY EIGHTH DAY OF MAY  
TWO THOUSAND AND TWENTY FIVE

**PRESENT**

**THE HONOURABLE SRI JUSTICE NAGESH BHEEMAPAKA**

**WRIT PETITION NO: 15792 OF 2019**

**Between:**

P. Hanumantha Reddy, S/o Ram Reddy, Aged 67 years, R/o H.No.9-7-33/1 (old), H.No.9-7-83(New), Road No.12, Maruthi Nagar, Santosh Nagar, Hyderabad, Occ. Retired Staff Assistant, H.D.C.C.B.Ltd., Hyderabad-500 059.

**...PETITIONER**

**AND**

The Board of Management, Hyderabad District Co-operative Central Bank Ltd., Rep. by its General manager, Nampally Station Road, Hyderabad.

**...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 a writ order or direction especially one in the nature of writ of mandamus a) declare that call for records pertaining to E.P.No.1 of 2018 in I.D.No.184/2009 of Labour Court-III, Hyderabad and its order dated.26th March, 2019 and quash the same. b) declaring that action of the Respondent in not releasing one month leave salary and not promoting the petitioner to next cadre from the date of promotion of his juniors, in pursuance of judgment of the Labour Court in I.D.No.184 of 2009 of the Honble Labour Court-III, Hyderabad as illegal and arbitrary. c) declare that petitioner is entitled for 2nd PRC w.e.f 01-11-2007 and arrears thereof.

**Counsel for the Petitioner : SRI SRINIVASA RAO MADIRAJU**

**Counsel for the Respondents: SRI K.RAGHUVeer REDDY, SC FOR BANK**

**The Court made the following: ORDER**

**THE HON' BLE SRI JUSTICE NAGESH BHEEMAPAKA****WRIT PETITION No.15792 of 2019****ORDER:**

The case of the petitioner, as per the writ affidavit, is that he joined service as a Clerk in the Primary Agricultural Development Bank, Ibrahimpatnam on 01-11-1972, and after serving in multiple postings, he was transferred to the District Central Cooperative Bank (DCCB), Vanasthalipuram on 19-01-1999 and later to DCCB Mominpet, R.R. District. He was issued a Charge Memo dated 27-03-2003 with seven charges. He submitted a detailed explanation on 27-11-2003 denying all charges, however, an Enquiry Officer was appointed and the enquiry was conducted merely by posing questions to the petitioner. No witnesses were examined, no documents were marked in his presence. Based on the enquiry findings, he was dismissed from service by order dated 11-08-2004, without there being an opportunity of hearing. The appeal filed before the Board of Management, HDCCB Ltd., Hyderabad on 24-09-2004 was also dismissed on 05-08-2008. Challenging his dismissal, he raised an industrial dispute before the Labour Court by filing I.D.No.184 of 2009, wherein he examined himself as PW-1 and marked Ex.W.1 to W.25, while the management presented one witness, Sri B. Ramanaiah (RW-1), through whom Ex.M.1 to M.14 were marked. The enquiry officer's report dated 26-07-2004 held some charges as partly proved and others as proved solely based on petitioner's responses, without any independent evidence or examination of witnesses, rendering the enquiry biased. Further the petitioner particularly disputed the charge regarding Rs.500/- loss on Gold Loan Account No.2484 due to a clerical error while petitioner was neither the sanctioning authority nor acted deliberately.

The Labour Court, through award dated 26-09-2016, communicated via G.O.Rt.No.57 dated 27-01-2017, set aside the dismissal and appeal rejection, granted continuity of service for calculating terminal benefits without back wages, and recognizing 30 years of unblemished service. However, in spite of the Award of the Labour Court, the petitioner was denied full benefits, including second PRC arrears from 01-11-2007, promotion to the next cadre (as juniors were promoted during pendency of the proceedings), and one month's leave salary, having received only 7 out of 8 months' dues. His representations dated 18-10-2017 and 18-04-2018 were not considered, though the respondent acknowledged compliance in part by letter dated 12-12-2017. The petitioner filed W.P.No.22673 of 2018 and this Court directed him to approach the Labour Court, whereupon he filed E.P.No.1 of 2018 in I.D.No.184 of 2009 for enforcement of Award benefits. The petition was dismissed on 26-03-2019. Challenging the same, the present writ petition is filed for a writ of certiorari to quash the dismissal order dated 26.03.2019 passed by the Labour Court in E.P.No.1 of 2018 and to direct the respondent to release all pending monetary and service benefits.

2. Heard Mr. Srinivasa Rao Madiraju, learned counsel for the petitioner; and Mr. K. Raghuveera Reddy, learned Standing Counsel for the respondent-Bank. Perused the record.

3. Learned counsel for the petitioner contends that the petitioner, who was dismissed from service by the respondent bank vide order dated 11.08.2004 while working as an Assistant at the Vanasthalipuram Branch, was later vindicated by the Hon'ble Labour Court-III, Hyderabad in I.D. No.184 of 2009, which, by order dated 26.09.2016, set aside both the

dismissal and the appellate order dated 05.08.2008, held that the petitioner had already attained superannuation, and declared him entitled to all terminal benefits with continuity of service, though not to back wages or attendant benefits. It is contended that in spite of clear direction of the Labour Court, the respondent failed to fully comply with the Award, particularly by not releasing the benefits under the Pay Revisions due from 01.11.2002 and 01.11.2007, and by denying the petitioner the consequential benefits including promotion and other service-related entitlements. The petitioner, aggrieved by such non-compliance, initially filed W.P. No.22673 of 2018, which was dismissed on 05.07.2018 with liberty to seek execution before the Labour Court, pursuant to which E.P. No.1 of 2018 was filed, however the same was dismissed on 26.03.2019 without due appreciation of the entitlement arising from the Award. It is contended that the respondent's failure to implement the Award in its entirety, particularly in relation to monetary and service benefits accrued during the period of wrongful termination, is arbitrary and illegal.

4. Learned counsel for the respondent, basing on the counter affidavit, essentially contends that the writ petition is devoid of merit and amounts to an abuse of process, as the petitioner is seeking reliefs which were neither claimed nor granted in I.D. No.184 of 2009 before the Hon'ble Labour Court-III, Hyderabad. It is contended that the petitioner, who served as an Assistant at Vanasthalipuram Branch from 19.01.1999 to 13.08.2001, was dismissed from service by order dated 11.08.2004 after being found guilty of serious charges including misappropriation of Rs.45.85 lakhs, and that the dismissal and appellate orders dated 05.08.2008 were adjudicated upon in detail by the Labour Court, which, while setting them aside, held that only Charges 3 and 4 were proved, and

directed release of terminal benefits without back wages or attendant benefits. It is contended that the respondent bank, in faithful compliance with the Award dated 26.09.2016, released terminal benefits including leave salary and gratuity to the petitioner's S.B. Account No.150922010000267 on 25.09.2017, and upon discovery of a pending salary component for twelve (12) days of earned leave, released the same on 22.08.2019 and informed the petitioner through letter dated 26.08.2019. It is contended that there is no order directing benefits under Pay Revisions effective from 01.11.2002 and 01.11.2007 or any promotional consideration, and the petitioner's attempt to seek such benefits now is legally untenable and contrary to the Labour Court's Award. It is also contended that the writ petition filed earlier i.e., W.P.No.22673 of 2018 was dismissed on 05.07.2018, with liberty to seek execution, pursuant to which E.P. No.1 of 2018 was filed and rightly dismissed on 26.03.2019 for lack of merit; thus, the present writ petition seeks to re-agitate settled issues under the guise of seeking implementation, and therefore the writ petition is liable to be dismissed.

5. Having considered the respective contentions and perused the record, it may be noted that the Award passed by the Labour Court in ID No.184 of 2009 speaks that the petitioner is not entitled for backwages and attendant benefits from 11.08.2004 till superannuation, except for continuity of service, the out of service period which can be considered while calculating terminal benefits. It is to be noted that it is settled law that in cases of setting aside the dismissal order and reinstating into service, unless the Court specifies that the incumbent is entitled to back wages or any monetary benefits, the same cannot be claimed as a matter


of routine merely for the reason the incumbent is reinstated into service by setting the dismissal orders aside.

6. In the instant case, the Labour Court after due enquiry has specifically observed that the petitioner is not entitled to back wages and attendant benefits from 11.08.2004 till superannuation, except for continuity of service for the purpose of terminal benefits. The respondent-Bank, as can be seen from the record, has paid out the terminal benefits, namely Leave Salary and Gratuity, to the petitioner's S.B. Account No. 150922010000267 on 25.09.2017, which was duly communicated through letter dated 07.10.2017, apart from payment of 12 days of Earned Leave salary on 22.08.2019 and informed the petitioner vide letter dated 26.08.2019, in compliance with the order in E.P. No. 1 of 2018. There being no direction to grant any other benefit, except for continuity of service for the purpose of terminal benefits, the petitioner now seeking to implement Pay Revision from 01.11.2002 and 01.11.2007 or any promotion-related relief, would amount to overreaching the Award dated 26.09.2016 passed by the Labour Court. The petitioner cannot re-agitate the issues that are either expressly denied or not granted in the original Award. In that view of the matter, there is no illegality in the order dated 26.03.2019 in E.P. No. 1 of 2018.

7. The writ petition is accordingly dismissed. No costs. Miscellaneous petitions pending, if any, shall stand closed.

SD/-S. MALLIKARJUNA RAO  
ASSISTANT REGISTRAR

//TRUE COPY//

  
SECTION OFFICER

To,

1. The General manager, Board of Management, Hyderabad District Co-operative Central Bank Ltd., Nampally Station Road, Hyderabad.
2. One CC to SRI SRINIVASA RAO MADIRAJU, Advocate. [OPUC]

3. One CC to SRI K.RAGHUVeer REDDY, SC for Hyderabad District Co-operative Central Bank Ltd. [OPUC]

4. Two CD Copies.

BSK

GJP

✓

5

**HIGH COURT**

**DATED:28/05/2025**

**ORDER**

**WP.No.15792 of 2019**



**DISMISSING THE WRIT PETITION  
WITHOUT COSTS**

9) 7  
4.13  
4/7/25