

(2000) 08 AP CK 0076
In the Andhra Pradesh High Court
Case No : W.A. No. 771 of 2000

A.P. State Road Transport Corporation and Others	APPELLANT
Vs	
P. Srinivas and Another	RESPONDENT

Date of Decision : 02-08-2000

Acts Referred:

Citation : (2000) 5 ALT 442 : (2001) 2 LLJ 1633

Hon'ble Judges : M.S. Liberhan, C.J;N.V. Ramana, J

Bench : Division Bench

Advocate : Nanda Ramchandra Rao, for the Appellant; G. Ravi Mohan and G.P. for Labour, for the Respondent

Final Decision : Dismissed

Judgement

M.S. Liberhan, C.J.—This appeal by the Andhra Pradesh Road Transport Corporation is directed against the order of the learned Single Judge directing the Corporation to fix the wage of the 1st respondent-employee after his reinstatement into service duly computing the notional periodical increments that would have been earned by the employee had he been in service during the period from July 8, 1978 to December 1, 1987 and to pay him arrears of salary, etc., on that basis within a period of two months from the date of receipt of a copy of the order.

2. The factual matrix is not in dispute. The first respondent-employee who was working as a conductor in the Corporation was proceeded in a departmental enquiry which culminated into his removal from service. He challenged the same before the Labour Court, which passed an award on February 2, 1987, directing his reinstatement into service with continuity of service, and full back wages which was assailed by the Corporation unsuccessfully before the learned single Judge as well as before a Division Bench of this Court. The employee was reinstated into service on December 1, 1987. After his reinstatement, as the Corporation has not fixed his pay taking into account the notional increments that would have been earned by him during the period from July 8, 1978 to

December 1, 1987, the respondent filed the present writ petition. Before the learned single Judge, it was contended by the Corporation that the writ petition is liable to be dismissed on grounds of laches on the ground that after reinstatement into service, the employee has not made any grievance for fixation of his pay which did not find favour with the learned single Judge.

3. We have heard the learned counsel for the appellants and the learned counsel appearing for the respondent-employee.

4. Since the pay of the employee was fixed only in 1995, which fact was brought to our notice by the learned standing counsel for the Corporation on instructions from the Corporation, we are of the view that the writ petition cannot be dismissed on ground of laches. Now, the only question that remains to be considered is, whether the respondent-employee is entitled to have his pay fixed on the basis of the notional increments that would have been earned by him during the period from July 8, 1978, i.e., the date on which he was removed from service to December 1, 1987 the date on which he was reinstated into service and for the consequential arrears of salary. As rightly held by the learned single Judge, this question is well settled by the decision of this Court in *T. Narayana v. Andhra Pradesh State Road Transport Corporation* 1998 (4) L.L.N. 960, which was affirmed by a Division Bench of this Court as also by the Hon'ble Supreme Court. In view of this, the writ appeal fails and it is accordingly dismissed. No costs.