

(2013) 08 AP CK 0074

In the Andhra Pradesh High Court

Case No : Writ Appeal No. 2465 of 2005

APSRTC and Another

APPELLANT

Vs

B. Ram Reddy

RESPONDENT

Date of Decision : 27-08-2013

Acts Referred:

Citation : (2013) 6 ALT 434

Hon'ble Judges : Ashutosh Mohunta, J;A. Rajasekhar Reddy, J

Bench : Division Bench

Advocate : V.T.M. Prasad, SC for APSRTC, for the Appellant; S.M. Subhan, for the Respondent

Judgement

Ashutosh Mohunta, J.—APSRTC is aggrieved by the order dated 22-09-2005 passed in W.P. No. 19365 of 2005 vide which the appellants-Corporation was directed to finalise all the claims of the petitioner therein in relation to payment of retirement benefits to him, within a period of two months from the date of receipt of the order. Briefly the facts of the case are that the respondent-employee was employed with APSRTC. He retired from service as Deputy Superintendent (Traffic) from Sangareddy Depot of the Corporation on 28-02-2005. While in service, the respondent-employee was placed under suspension with effect from 31-08-1979 and thereafter a punishment of stoppage of increment for a period of two years with cumulative effect was imposed by proceedings dated 28-05-1981. However, the aforesaid proceedings were not given effect to. It was only on 25-10-2004 that is just before his retirement that proceedings were issued for giving effect to the order dated 28-05-1981.

2. The aforesaid proceedings were challenged by the respondent-employee by filing the writ petition. It was averred that as the order dated 28-05-1981 imposing punishment of stoppage of increment for a period of two years was not given effect to, the Corporation is now, therefore, estopped from giving effect to the order after more than 24 years of the same having been passed. It was

further averred that the writ petitioner had no role to play in non-implementation of the order dated 28-05-1981.

3. We have perused the order passed by the learned Single Judge and we are of the considered opinion that the learned Single Judge, after considering all the aspects in relation thereto, passed the order under challenge. It has been held that at this belated stage, the respondent-employee cannot be penalized for inaction on the part of the appellants-Corporation in not implementing the order dated 28-05-1981. There was no impediment to stop the officials of the Corporation in giving effect to the aforesaid order and no reasons were assigned as to why the said order could not be implemented. The learned Single Judge has rightly disposed of the writ petition with the directions, which run as under:

for the foregoing reasons, the writ petition is disposed of directing that:

(a) it shall be open to the respondents to take into account the order dated 28-05-1981, for the purpose of calculating the retirement benefits;

(b) the respondents, however, shall not be entitled to effect any recovery towards part of the salary paid to the petitioner till his retirement;

(c) the respondents shall also finalize all the claims of the petitioner in relation to payment of retirement benefits to him, within a period of two months from the date of receipt of a copy of this order.

4. From the above, it is clear that non-implementation of the proceedings dated 28-05-1981 till the retirement of the respondent employee is nothing but harassment of the respondent-employee. Having due regard to the facts of the case, the order under challenge does not suffer from any infirmity or illegality warranting interference of this Court, and hence, the writ appeal is liable to be dismissed. Accordingly, the Writ Appeal is dismissed. However, the appellants shall release all the retinal benefits to the respondent employee, in accordance with the order dated 22-09-2005 in W.P. No. 19365 of 2005, within a period of two (2) months from the date of receipt of a copy of this order. There shall be no order as to costs.