
(2000) 12 AP CK 0063
In the Andhra Pradesh High Court
Case No : WA No. 1657 of 2000

Depot Manager, APSRTC, Kurnool Depot	APPELLANT
Vs	
S.S. Reddy Jamal Reddy and another	RESPONDENT

Date of Decision : 18-12-2000

Acts Referred:

Citation : (2001) 2 ALD 92 : (2001) 2 ALT 315

Hon'ble Judges : Satya Brata Sinha, C.J;B. Subhashan Reddy, J

Bench : Division Bench

Advocate : Mr. A.V. Sivaiah, SC for APSRTC, for the Appellant; Mr. G. Ravimohan, for the Respondent

Judgement

S.B. Sinha, CJ.

1. The second respondent before the learned single Judge is the appellant. He is aggrieved by the judgment passed by the learned single Judge whereby while considering the meaning of the words "reinstatement without back wages", it was held that the concerned workman was entitled to the notional increments for computation of his salary. With regard to punishment imposed upon the concerned workman, the matter came up before this Court and the writ petition filed by the workman being Writ Petition No.4121 of 1988 was disposed of with the following directions :

"(a) The finding of guilt of the petitioner for non-issuance of the tickets at the proper stage is upheld.

(b) The indictment of punishment of removal is set aside and instead, the punishment of reinstatement of the petitioner without back wages is substituted.

(c) The petitioner shall however be entitled to reckon his service without break for the purpose of prospective promotion and terminal benefits, but shall not be entitled for any back wages and attendant benefits; and

(d) This order shall be complied with by the respondents within a period of 15

days from the date of the receipt of the order."

is not disputed.

2. Mr. A.V. Sivaiah, learned Counsel appearing on behalf of the appellant submits that the order passed by this Court must be read in its entirety and in view of the fact that the concerned workman had not been granted not only the benefit of back wages but also the attendant benefits, clearly goes to show that he was not entitled to notional increments. We are afraid, we cannot subscribe to the said view.

3. It is now a well-settled principle of law that a judgment cannot be read as a statute and must be read reasonably and in its entirety. The word "reinstatement" carries with it a definite meaning, viz., the workman shall be deemed to be continuing in service without any break whatsoever. The logical corollary of it would be that he would continue in service as if his services have never been terminated. The Court while granting discretionary relief may or may not grant back wages although, normally, the rule is when a direction for reinstatement is given back wages is also directed therein. Thus, the direction for reinstatement of the workman must be read in the aforementioned context that except the back wages and attendant benefits, he was entitled to all other benefits to which he became entitled to by way of his reinstatement without break in service. Having regard to the fact that all the attendant benefits have been clubbed with back wages, we have no doubt in our mind that the learned single Judge while disposing of the writ application meant that not only the notional increments shall not be paid but other allowances to which the concerned workman is entitled to, had he worked during the said period, could not be allowed. But the same does not and cannot mean that the workman would not be entitled to the benefit of notional increments for the purpose of computation of his retiral and other terminal benefits, as also payment of his salary from the date of his reinstatement. If any other meaning is attributed, the same, in our opinion, would amount to double punishment meaning thereby not only he becomes disentitled from receiving back wages and attendant benefits but also reduction in his salary, which is not contemplated under the statute.

4. For the reasons aforementioned, we do not find any merit in this appeal, which is accordingly dismissed.