
(1998) 12 AP CK 0086

In the Andhra Pradesh High Court

Case No : Writ Appeal No. 2164 of 1998

Managing Director, APSRTC and Others

APPELLANT

Vs

M. Sankaraiah

RESPONDENT

Date of Decision : 21-12-1998

Acts Referred:

Citation : (1999) 4 ALT 89

Hon'ble Judges : P. Venkatarama Reddi, Acting C.J.; V. Bhaskara Rao, J

Bench : Division Bench

Advocate : Nanda Ramachandra Rao, S.C, for the Appellant; V. Narasimha Goud, for the Respondent

Final Decision : Dismissed

Judgement

P. Venkatarama Reddi, A.C.J.

1. The Labour Court directed reinstatement of the respondent-workman with continuity of service but without backwages and other attendant benefits. By the impugned judgment the learned single Judge allowed the writ petition with a direction to compute the periodical increments that would have been earned by the workman had he been in service during the cut off employment period and to fix the salary payable to him after his reinstatement by taking into account such increments. Contending that notional increments cannot be added for fixing the salary of the workman after reinstatement, the present writ appeal is filed by the A.P.S.R.T.C.

2. We cannot accept the contention of the learned Counsel for the appellant that backwages having been denied to the respondent, the benefit of notional increments cannot also be given. It is not as if the learned single Judge directed any arrears for the past period to be paid. It is only a question of fixation of the salary at the appropriate scale after reinstatement and unless the Labour Court's order is clear, benefit of continuity of service cannot be restricted only to the computation of seniority or for pensionary benefits. The view taken by the

learned single Judge is supported by the Division Bench decisions of this Court in Writ Appeal Nos. 1060/98, 1321/97, 395/96 and Writ Petition No. 11585/88 and against the judgment in Writ Appeal No. 395/96, SLP No. 20096/96 preferred by the Corporation was dismissed. Hence, we are not inclined to admit the writ appeal. The writ appeal is dismissed at admission stage.