

(2014) 03 AP CK 0107

In the Andhra Pradesh High Court

Case No : Writ Petition No. 8496 of 2008 and W.V.M.P. No. 3534 of 2008

P. Sarojamma

APPELLANT

Vs

The Depot Manager
 The Depot Manager Vs P.
Prabhakar

RESPONDENT

Date of Decision : 06-03-2014

Acts Referred:

Industrial Disputes Act, 1947 — Section 10, 10(1)(c), 11A, 2A

Citation : (2015) 1 ALD 116 : (2014) 6 ALT 791

Hon'ble Judges : D. Seshadri Naidu, J

Bench : Single Bench

Advocate : K.V. Subba Reddy, SC, Advocate for the Appellant; S.M. Subhan and GP, Advocate for the Respondent

Judgement

Dama Seshadri Naidu, J.—This writ petition is filed by the petitioner Corporation (APSRTC) assailing the award dated 10.05.2006 in I.D. No. 398 of 2002 passed by the 5th respondent Labour Court, which modified the order of the appellate authority of the Corporation and which directed the Corporation to pay to the workman the back wages, apart from all other benefits, since the workman stood reinstated earlier by the appellate authority. In fact, the appellate authority, in the first instance, modified the original order of removal from service passed by the disciplinary authority.

2. The facts in brief are that the 1st respondent workman, since deceased, was originally appointed in the year, 1973, as a Booking Clerk in the petitioner Corporation, and later got promoted as Conductor in the year, 1974. He was further promoted as Assistant Depot Clerk/Controller in the year, 1984. While so, on 17.09.1991, the deceased workman was charge sheeted on the ground that he was unauthorisedly absent from duty from 30.08.1991 to 05.09.1991. In the departmental enquiry, that ensued in the wake of the charge sheet, the workman was found guilty of major misconduct of unauthorized absence in terms of the regulations of the Corporation and was eventually, through an order dated

02.01.1992, removed from service by the Disciplinary Authority. When the deceased workman took recourse to intra-departmental appeal, the appellate authority, in fact, through order dated 24.02.1992, modified the order of removal from service to that of reinstatement, but by reverting the workman from Controller to the post of Conductor for a period of two years and directed the workman to report to duty at Kuppam depot. Though there is an element of dispute what subsequently transpired, presently it could be stated that when the deceased workman went to Kuppam Depot and tried to report for duty, he was told by the authorities that they had no information regarding his reinstatement. After repeated attempts to report to duty, the deceased workman eventually filed W.P. No. 3502 of 1992, questioning the modified award of punishment imposed by the appellate authority.

3. After a decade, the said writ petition was disposed of on 12.09.2002, directing the workman to raise his grievance in the Labour Court by invoking the necessary provisions of the Industrial Disputes Act, 1947 ("the Act", for brevity). Thereafter, the workman raised an industrial dispute before the Labour Court in I.D. No. 398 of 2002. Ostensibly he approached the Labour Court by invoking Section 2-A of the Act, which is available only to those workmen whose services have been terminated etc. The deceased workman's was not a case of termination, in the face of modification effected by the appellate authority.

4. When the dispute was pending before the Labour Court, the workman died on 11.04.2005; later, respondents 2 to 4, being the legal heirs and representatives of the workman, brought themselves on record. Be that as it may, eventually through an award dated 10.05.2006, the Labour Court further modified the punishment and directed payment of full back wages, apart from other benefits to the legal heirs of the workman i.e., respondents 2 to 4 herein. Aggrieved by the award dated 10.05.2006 the Corporation filed the present writ petition raising various grounds.

5. With the above factual back drop, Sri K.V. Subba Reddy, the learned Standing Counsel for the petitioner Corporation has strenuously contended that the procedure adopted by the deceased workman from the beginning has been marked by judicial misadventure. The primary objection raised by the learned Standing Counsel is that the Labour Court does not have the necessary jurisdiction to entertain a dispute at the behest of the workman, whose services have not been terminated, without his taking recourse initially to Section 10(1) (c) of the Act.

6. Expatiating further on his submissions, the learned Standing Counsel has stated that when the appellate authority directed reinstatement of the deceased workman, though by way of modified punishment of reversion from one cadre to another, instead of raising an industrial dispute by approaching the Government for conciliation through the Union and later, if necessary, agitate the matter on a reference before the Labour Court, the deceased workman filed a writ petition before this Court. Since it was filed in 1992, a decade had been spent on the

litigation but it came to a naught, when eventually this Court disposed of the said writ petition on 12.09.2002, directing the workman to invoke the provisions of the Act and approach the Labour Court. The learned counsel has also further submitted that once again the workman abused the process and straightway raised an industrial dispute before the Labour Court under Section 2-A of the Act, which is not at all available to the workman. According to the learned Standing Counsel, though a specific plea was raised with regard to non-maintainability of the industrial dispute, the Labour Court, having brushed aside the said objection, without assigning any reason, went ahead and decided the matter on merits.

7. Adverting to the merits of the matter, the learned Standing Counsel would submit, in the first place, that the deceased workman would not be allowed to take advantage of his wrongs and follies all through. Dilating further, the learned Standing Counsel would submit that once there was a reinstatement ordered by the appellate authority, the workman simply addressed a letter to the depot and remained quiet for more than a decade, never bothering to go and report to duty. Further when the writ petition was pending before this Court against the modified order of the appellate authority, as a matter of further abuse of process, the workman approached the revisional authority and filed a revision, which eventually came to be dismissed on 07.11.1996. Instead of challenging the said revisional order, the workman filed the writ petition, which came a cropper in the end, since this Court declined to entertain the said writ petition in the face of an efficacious alternative remedy available to the workman.

8. As both the learned counsel have advanced their arguments with passion and vehemence, the learned Standing counsel has reminded this Court that just because the workman died pending consideration of the industrial dispute before the Labour Court, the said factum cannot sway the course of justice and that the matter is required to be decided on merits within the four corners of the statutory mandate or regulatory regime of the petitioner Corporation.

9. The learned Standing Counsel has laid much stress on the fact that the Labour Court ought not to have exercised its powers under Section 11-A of the Act, since the said power is not available to adjudicate an issue which does not involve the termination of service of the workman. He has also further submitted that, without proper adjudication of the issue, the Labour Court has straight away ordered the benefit of back wages to the legal heirs of the deceased workman. Summing up the submissions, the learned counsel has urged this Court to allow the writ petition since, in the words of the learned Standing Counsel, the very award passed by the Labour Court is without jurisdiction. When it comes to the question of maintainability, and even on merits, it cannot be sustained since no cogent reason has been assigned by the Labour Court to interfere with the already diluted award of punishment - the dilution owing to the order of the appellate authority. In support of his submissions, the learned Standing Counsel has placed reliance on the following judgments:

1. The Depot Manager, Andhra Pradesh State Road Transport Corporation Vs. V.

Chandra Reddy and Another,

2. B. Vidyasagar Vs. Depot Manager, APSRTC and Others,

3. U.P. State Road Transport Corporation Vs. Babu Ram,

4. Assistant Engineer, C.A.D., Kota Vs. Dhan Kunwar,

5. The General Secretary, South Indian Cashew Factories Workers' Union Vs. The Managing Director, Kerala State Cashew Development Corporation Ltd. and Others,

6. Depot Manager, APSRTC, Bus Depot, Khammam Vs. Industrial Tribunal-Cum-Labour Court, Warangal and Others,

10. Per contra, Sri S.M. Subhan, the learned counsel for respondents 2 to 5, has strenuously opposed the contentions of the petitioner Corporation. In tune with the averments made in the counter affidavit, the learned counsel has submitted that a substantial right of the deceased workman cannot be defeated on a mere premise that initially he approached a wrong forum or in other words he approached this Court even in the face of an efficacious alternative remedy. It is the specific contention of the learned counsel that the workman approached the Labour Court only based on the direction of this Court in Order dated 12.09.2002 and as such the petitioner Corporation, without choosing to question the said direction, is estopped from contending that entertaining of the industrial dispute by the Labour Court is without jurisdiction. The learned counsel has, advertent to the merits of the matter, stated that the workman was found absent from duty for six days. Though the workman submitted a very cogent explanation initially, the disciplinary authority did not take that into consideration but went ahead in a mechanical manner to impose the harshest punishment of removal from service, thus wiping out the entire service of the workman apart from rendering him jobless, thereby leaving him in a state of penury. Referring to the modified order of punishment passed by the appellate authority, the learned counsel would submit that even in its modified forum the punishment is still shockingly disproportionate to the alleged charge fastened on the workman. After taking into account all the factors, including the objection of the petitioner Corporation as to the maintainability of the industrial dispute by invocation of Section 2-A of the Act, the Labour Court has passed the award, which is a well reasoned one, backed up by sufficient judicial reasoning. Thus, the learned counsel would urge this Court to dismiss the writ petition as devoid of merit.

11. Concerning the specific allegation on the part of the petitioner Corporation that when the appellate authority directed reinstatement, the workman did not make any effort to report to duty at Kuppam Depot, the learned counsel drew the attention of this Court to the observation of the Labour Court in para No. 20 of its award, which would be adverted to at a later point of time.

12. Heard the learned Standing Counsel for the petitioner Corporation and the learned counsel for the respondents 2 to 5, apart from perusing the record.

13. To begin with, though the learned Standing Counsel for the petitioner Corporation has been very apprehensive that this Court would be swayed by considerations of sympathy, this Court assures the learned Standing Counsel that it would not make itself a party to such sway of sympathy, in the face of *lex scripta*. With the said assurance, this Court may proceed further to adjudicate the issue on hand. To appreciate the whole issue in its proper perspective, it is requisite to extract the charge levelled by the petitioner Corporation against the workman:

"For having absented for duties unauthorisedly with effect from 30.08.1991 to 05.09.1991 and still without obtaining prior permission or sanction of leave which constitutes misconduct under Regulation 28(xxvii) of APSRTC Employees (Conduct) Regulations, 1963".

14. Given the checkered history of litigation, there is no need to go to the nuances of adjudication undertaken by the Disciplinary Authority and later by the appellate authority. The fact remains that the Disciplinary Authority initially inflicted the major punishment of removal from service on the workman through an order dated 02.01.1992, which later came to be modified by the appellate authority in the manner indicated above. Though it cannot be entirely termed as misadventure on the part of the workman to have approached this Court by filing W.P. No. 3502 of 1992, the said writ however came to be disposed of on 12.09.2002. While disposing of the said writ petition, this Court issued the following direction:

"Further the validity of the enquiry and the reasons for reverting the petitioner to his substantive post; the reasons for his alleged unauthorized absence; and the adequacy or otherwise of the punishment imposed on the petitioner, are all questions of fact, which this Court cannot go into. Further, it is also not known whether the petitioner was actually in service or not as on today.

In view of the above facts, the proper forum for the petitioner is to agitate his grievances in the Labour Court, invoking provisions under the Industrial Disputes Act.

For the foregoing reasons, I do not find any merit in the writ petition and the same is accordingly dismissed. However, it is made clear that if the petitioner raises an industrial dispute, the same shall be entertained and adjudicated upon without any objection to limitation. No costs".

15. A plain reading of the above observation of this Court makes it manifestly clear that apart from dismissing the writ petition on the ground of efficacious alternative remedy, especially in the face of the fact that any undertaking to adjudicate the issue on merits would entail a foray into the disputed questions of fact, this Court has felt that the case of the workman would better be served, if he would lay a challenge against the order of the appellate authority before the Labour Court by raising an industrial dispute. At any rate, there is some force in the contention of the learned Standing Counsel that it is not a *carte blanche* for

the workman to straight away approach the Labour Court dehors any reference to the provisions of the Act. It is abundantly clear from the statutory scheme that any punishment short of termination or removal would not be a subject matter of a dispute under Section 2-A of the Act. On the other hand, the aggrieved workman is always at liberty to seek conciliation of the issue before the Government, and later, if such conciliation has not yielded any result, to approach the Labour Court on reference made by the State Government under Section 10(1)(c) of the Act.

16. On the factual front, if the direction of this Court is examined closely, it does contain a direct reference to the Labour Court. It is observed, "proper forum for the petitioner to agitate his grievances is the Labour Court", albeit invoking provisions under the Industrial Disputes Act. The further observation is: "It is made clear that if the petitioner raises an industrial dispute, the same shall be entertained and adjudicated upon without any objection to limitation." This direction of the Court has not been called in question by the Corporation at the earliest point of time. Had it been a reference to conciliation proceedings, it is not necessary for the Court to refer to the Labour Court, for every conciliation need not invariably result in failure and thus reach the Labour Court.

17. It is too well settled to be called in question that there could not be any mandamus infracting any particular statutory provision. Thus, the direction of this Court in the earlier writ petition could not be read as waiver of application of the statutory provisions vis-?-vis workman, much less a categorical direction to invoke Section 2-A of the Act. In any event, having held thus, in the same breath, it is to be stated that the litigation has gone too far and has taken more than two decades, and a life as well. When the procedural propriety is pitted against rendering substantive justice, unless the forum that has undertaken the adjudication inherently lacks the jurisdiction, it cannot be said that the order passed by the said forum is nullity. Insofar as the Industrial Tribunal is concerned, it is not much in dispute that the Labour Court does have the necessary power to adjudicate upon all industrial disputes involving the workman by taking recourse to the provisions of the Act.

18. A judgment at variance with the statutory scheme governing the issue may have been robbed of its precedential value, but it still binds the parties thereto. It is a case attracting, in my respectful submission, the maxim *actus curiae neminem gravabit* (the act of court shall prejudice no one). The desirability of falling on a legal maxim has admirably been expounded by a Constitution Bench of the Supreme Court in *Mrs. Sarah Mathew Vs. The Institute of Cardio Vascular Diseases* by its Director Dr. K.M. Cherian and Others, , at page 84, thus:

"16. At the outset, we must deal with the criticism levelled against *Bharat Damodar Kale and Another Vs. State of A.P.*, and *Japani Sahoo Vs. Chandra Sekhar Mohanty*, that they place undue reliance on legal maxims. It was argued that legal maxims can neither expand nor delete any part of an express statutory provision, nor can they give an interpretation which is directly contrary to what

the provision stipulated. Their operation can be excluded by statutes but operation of statutes cannot be excluded by legal maxims.

17. It is true that in *Bharat Kale and Japani Sahoo* this Court has referred to two important legal maxims. We may add that in *Vanka Radhamanohari (Smt) Vs. Vanka Venkata Reddy and Others*, , to which our attention has been drawn by the counsel, it is stated that the general rule of limitation is based on the Latin maxim *vigilantibus et non dormientibus, jura subveniunt*, which means the vigilant and not the sleepy, are assisted by laws. We are, however, unable to accept the submission that reliance placed on legal maxims was improper. We are mindful of the fact that legal maxims are not mandatory rules but their importance as guiding principles can hardly be underestimated."

19. In *Margret Almeida and Others, Vs. Bombay Catholic Coop. Housing Society Limited and Others*, , a learned Single judge of High Court of Bombay held that the plaintiffs' suits were maintainable and granted interim order status quo during pendency of suits. But on appeal, a learned Division Bench has erroneously held that suits were not maintainable and allowed the appeal preferred by the defendants. Allowing the appeals, the Supreme Court took a view that the suits were maintainable. Requiring the learned Division Bench of the High Court to try the matter, left it open for the Division Bench to consider the application filed by the plaintiff for interim orders in accordance with law.

20. Subsequently, in response to a clarification petition filed by the appellants/ plaintiffs, the Hon'ble Supreme Court, per his Lordship Sri Justice Chelameswar, has further observed that instead of the Division Bench deciding the interlocutory application afresh, it may decide whether the interim order granted earlier by the learned Single Judge is sustainable. This direction is given after repelling the contentions of the respondents that the appeals preferred by the respondents before the Division Bench of the Bombay High Court were allowed dismissing the suits, and the interim order granted during the pendency of the suits by the learned Single Judge of the Bombay High Court lapsed with the dismissal of the suits. In that context, the Supreme Court has observed as follows:

"62. We agree with the submission made by the learned Senior Counsel Mr. Mukul Rohatgi. The erroneous conclusion of the Division Bench cannot operate to the prejudice of the plaintiffs, who successfully demonstrated before this Court that the order of the Division Bench cannot be sustained. The settled principle of law is that the *actus curiae neminem gravabit*--"act of the court shall not harm anybody".

63. In *South Eastern Coalfields Ltd. v. State of M.P.* this Court held: (SCC p. 664, para. 28)

"28. That no one shall suffer by an act of the court is not a rule confined to an erroneous act of the court; the "act of the court" embraces within its sweep all such acts as to which the court may form an opinion in any legal proceedings that the court would not have so acted had it been correctly apprised of the facts

and the law. The factor attracting applicability of restitution is not the act of the court being wrongful or a mistake or error committed by the court; the test is whether on account of an act of the party persuading the court to pass an order held at the end as not sustainable, has resulted in one party gaining an advantage which it would not have otherwise earned, or the other party has suffered an impoverishment which it would not have suffered but for the order of the court and the act of such party."

(emphasis original)

21. In the light of the above judicial dictum, I am inclined to hold that at this length of time, the petitioner cannot be allowed to call in question the very maintainability of the proceedings before the Labour Court, given the potential and susceptibility of the order, dt. 12.09.2002 of this Court in WP in W.P. No. 3502 of 1992, to different interpretations. While talking about the interpretation, the social and educational background and the level awareness of the party at whose instance the order has been passed cannot be lost sight of. Not every person can have access to the best of legal advice, for it comes at a price.

22. The issue may be addressed from another angle. If the order impugned is concerning the termination or the dismissal from service, one particular provision is required to be taken recourse to, and in all other cases, it would be only after establishing the fact that the conciliation efforts have failed at the behest of the appropriate Government. The fact, however, remains that, on both counts, it is the Labour Court which eventually has to adjudicate upon the dispute. Thus, it is at best the case of improper invocation of the jurisdiction of Labour Court but not a case of inherent lack of jurisdiction per se. To the said extent the objection of the learned Standing Counsel cannot be stated to be insurmountable.

23. In *B. Vidyasagar v. Depot Manager, APSRTC, Karimnagar District and others*, a learned Division Bench of this Court has examined the desirability of invoking section 2-A of the Act in the cases not covered by it. Their Lordships have held that though dismissal, retrenchment or any termination would be effected by the original authority, they may stand modified and replaced by the lesser punishment of deferment of increments, etc., by the appellate authority. It is only the ultimate punishment imposed by the appellate authorities in the hierarchy as contemplated in the regulation, which has to govern the situation.

24. Adverting to the merits of the matter, it could be seen that the Labour Court has painstakingly appreciated all the aspects involved in the matter. In para. No. 20 of the award which was referred to earlier, the Labour Court has categorically recorded about the persistent refusal on the part of the authorities to admit the workman to duty in the wake of the order of reinstatement passed by the appellate authority. It is profitable to extract the observation of the Labour Court in this regard:

The above referred observations reveals that though the deceased 1st petitioner was willing to join in the reverted post was not allowed by R-3 Depot Manager at

Kuppam on the ground that the letter had not received any communication of such type from R-2 Divisional Manager. There is also no record whether R-3 Depot Manager had sent any communication to the deceased 1st petitioner requiring him to report for duty in the reverted post at any time. As observed in the foregoing paras the order of removal of the deceased 1st petitioner is illegal and reverting him to the lower post is without any basis which was for a period of 2 years and again treated the leave period of removal as not on duty.

25. In the above factual backdrop, especially in the face of the observation of Tribunal on the issue of disputed question of fact, it can be safely concluded that despite the best efforts of the workman to report for duty on reinstatement, it was the authorities, who resisted his effort on mere technicality of not receiving the orders of reinstatement from the appellate authority.

26. Even on the issue of an unauthorized absence the Labour Court has felt that the denial of back wages is shockingly disproportionate. On this count, the Labour Court has elaborately discussed in para. Nos. 13 and 14 of the award that the workman having been taken ill had undergone treatment from 30.08.1991 to 05.09.1991 in the Osmania General Hospital, Hyderabad and that on his reporting back to duty he also produced the Medical Certificate issued by the Doctors of the said hospital. All through consistently the workman explained to the authorities that his absence was not deliberate much less mala fide, but was only due to his sudden illness which disabled him from getting back to duty. In the opinion of the Labour Court, the authorities have disregarded the explanation and Medical Certificate produced by the workman in support thereof without any basis. Thus, in its discretion the Labour Court has felt that the absence of the workman stood properly explained and in spite of that an onerous punishment, being shockingly disproportionate to the alleged charge, was imposed on the workman, which in the opinion of the Labour Court, required interference.

27. Accordingly, having set aside the order of the appellate authority as well as that of the Disciplinary Authority, the workman was directed to be reinstated to his original cadre of Controller with payment of full back wages.

28. In this regard, the learned Standing Counsel for the petitioner has relied on the judgment in *The Depot Manager, A.P.S.R.T.C., Bus Depot, Karimnagar v. V. Chandra Reddy and another*, wherein a learned Single Judge of this Court has considered the issue of quantum of back-wages, and has held that once enquiry conducted by the Corporation is held valid, and in the absence of any finding to the effect that the workman was not gainfully employed during the period, direction granting 40% of the back wages cannot be sustained. The continuity of service and other attendant benefits, if any, have not been disturbed. In the present matter, the Labour Court, having gone into the issue, after taking into consideration all the aspects of the case, has given a direction concerning the payment of back wages. It is essentially an exercise of discretion vested in the Labour Court. In the absence of any absolute proposition reducing the issue of back wages to a mathematical formula, I am afraid, the said finding cannot be

disturbed.

29. Referring to other authorities relied on by the learned Standing Counsel for the petitioner, it may be stated that in *U.P. State Road Transport Corporation vs. Babu Ram* the issue was with regard to delay on the part of workman to raise an industrial dispute by approaching the appropriate Government under section 10 of the Act. In that context, the Supreme Court has observed that the workman has not placed any material to show that he had raised dispute within a reasonable time, and/or that he was not responsible for delayed decision, if any, in the conciliation proceedings. It is further observed that it was for the workman to show that the dispute was raised within a reasonable time and that he was not responsible for any delay. So is the proposition of law in *Assistant Engineer, CAD, Kota vs. Dhan Kunwar*.

30. In this case, there was, however, no reference at all, unless now this Court, at this length of time, desires to set the clock back and ask the dependants of the deceased workman to go back and seek recourse to conciliation proceedings. As such, the said proposition of law may not have any relevance presently.

31. In *South Indian Cashew Factories Workers Union v. Kerala State Cashew Development Corporation Ltd., & Ors.*, the Supreme Court has held that the expansive adjudicatory powers of the Labour Court under section 11-A of the Act are available only in case of dismissal or discharge of a workman. In the present instance, at the very beginning the issue of the deceased workman approaching the Labour Court by invoking Section 2-A of the Act has been addressed elaborately. His approach was bona fide and based on an apparent direction of this Court, more particularly when the direction of this Court is taken as has been understood by a workman, who had only minimal education and who remained uninitiated into the legal nuances of judicial pronouncements. As such, once the approach under section 2-A stands condoned, the naturally corollary is that the adjudication ought to be under Section 11-A of the Act.

32. In *Depot Manager, APSRTC Bus Depot, Khammam v. The Industrial Tribunal-cum-Labour Court, Warangal & Ors.*, his Lordship Sri Hon"ble Justice B. Subhashan Reddy, as his Lordship then was, observed that the Labour Court had exceeded its jurisdiction in directing the APSRTC to employ the son of deceased workman. Referring to section 11-A of the Act, his Lordship has observed that in exercise of its power under the Industrial Disputes Act, 1947 or even under Section 11-A of the Act, the Labour Court is only enjoined to decide with regard to the validity of the disciplinary action and then the quantum of punishment having regard to the incorporation of Section 11-A therein; but in no event the Labour Court can exceed its powers and issue directions which are not empowered under the Act. The Labour Court cannot distribute bounty like this directing the Management to employ one of the legal heirs of the deceased employee-delinquent. Accordingly, that part of the order of the Labour Court was set aside as being without jurisdiction. It is, however, pertinent to observe that, eventually, a clarificatory direction is given by making it clear that if there is

Scheme for employment and if that Scheme permits, one of the legal heirs of the deceased workman, he may file an application and if the requirements of that Scheme are satisfied, then the APSRTC may consider but not on account of the order passed by the Labour Court, but only as and when a proper application in that regard is filed conforming to the Circular, Rules etc., as the case may be governing, the situation.

33. Since the Labour Court has exercised its discretion on appreciating the disputes to the fact in the absence of any perversity of findings, this Court does not propose to upset short or otherwise well considered findings of the Labour Court since parameters of judicial review have been well settled to brook any reinstatement it would be safe to conclude that this Court does not find any ground to interfere with the award assailed by the petitioner-Corporation more particularly, there cannot be seen any apparent reason on the face of the record much less any adjudicative infraction in the decision working.

34. Insofar as the direction to provide compassionate appointment, the ratio laid down and the observations made in Depot Manager, APSRTC Bus Depot, Khammam squarely apply. It is only subject to the scheme and the applicant meeting all other requirements.

35. Since initially the workman and later his legal representatives have been struggling for more than two decades to get the fruits of the litigation, it serves the interest of justice if a direction is given to the petitioner Corporation to settle the terminal and death benefits of the deceased workman and pay them to respondents 2 to 5, as expeditiously as possible, at any rate not beyond three months.

36. Accordingly, with the above observations, the writ petition stands disposed of. No order as to costs.

The miscellaneous petitions, if any, pending shall stand closed.