

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATHI
(SPECIAL ORIGINAL JURISDICTION)

TUESDAY, THE TWENTY EIGHTH DAY OF APRIL
TWO THOUSAND AND TWENTY

:PRESENT:

THE HONOURABLE SRI JUSTICE D.V.S.S.SOMAYAJULU



I.A No. 1 OF 2020
IN
WP NO: 7656 OF 2020

Between:

1. The Depot Manager,, APSRTC, Puttaparthi Depot, Anantapur District.
2. The Regional Manager,, APSRTC, Anantapur, Anantapur District.

...Petitioners
(Petitioner in WP 7656 OF 2020
on the file of High Court)

AND

1. Dharmapuram Syed Sathar,, S/o. D.S.Saleha, Aged 28 years, Cleaner/Helper, APSRTC, Puttaparthi Depot, R/o. H.No.2/323, Medara Street, Kothacheruvu (P and M) Anantapur District.
2. S. Khadarvali, S/o. Dasthagiri, Retired Railway Employee, T.V.S.Show Room Back Side, Mudugubba (Post and Mandal) Anantapur District. (Out Sourcing Agent)
3. The Chairman-Cum-Presiding Officer,, Industrial Tribunal- Cum- Labour Court, Anantapur, Anantapur District.

...Respondent(s)
(Respondents in-do-)

Counsel for the Petitioner :SRI K NARSI REDDY (SC FOR APSRTC RAYALASEEMA)
Counsel for the Respondent No.3:GP FOR LABOUR

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to grant interim suspension of the award dated 19.09.2019 in I.D.No. 69 of 2013 on the file of Industrial Tribunal-cum-Labour Court, Anantapuramu, pending disposal of WP No. 7656 of 2020, on the file of the High Court.

The court while directing issue of notice to the Respondents herein to show cause as to why this application should not be complied with, made the following order.(The receipt of this order will be deemed to be the receipt of notice in the case).

ORDER:

Heard the learned counsel for the petitioner.

Learned counsel for the petitioner points out that the 3rd respondent has been appointed on outsourcing basis. He points out that the very reference of the cause title itself shows that he has appointed as an outsourcing employee. Therefore, learned counsel submits that the petitioner is not even a regular appointee who has given an appointment letter also. He points out that despite the issue raised in the lower Court, the Industrial Tribunal directed the reinstatement of the petitioner as an outsourcing cleaner with continuity in service. Learned counsel submits that it is totally opposed to law.

This Court after hearing the learned counsel is of the opinion that there is an issue raised which requires to be decided. As pointed out by the learned counsel for the petitioner, unless the order is stayed, proceedings for enforcement etc., may be taken out for enforcement. Therefore,

www.ecourtsindia.com

this Court is of the opinion that there is prime facie point raised by the learned counsel for the petitioner. The cause title itself shows that he is an outsourcing employee, and even the impugned order in the operative portion shows that he is an outsourcing employee.

Therefore, there shall be an interim suspension of the award dated 19-09-2019 in I.D.No.69 of 2013, on the file of Industiral Tribunal-cum-Labour Court, Anantapuramu for a period of six (06) weeks.

In this period, learned counsel is permitted to take out personal notice to the unofficial respondent/s.

**Sd/- P. RAMA KRISHNA
JOINT REGISTRAR**

//TRUE COPY//


SECTION OFFICER

To

1. Dharmapuram Syed Sathar,, S/o. D.S.Saleha, Cleaner/Helper, APSRTC, Puttaparthi Depot, R/o. H.No.2/323, Medara Street, Kothacheruvu (P and M) Anantapur District.
2. S. Khadarvali, S/o. Dasthagiri, Retired Railway Employee, T.V.S.Show Room Back Side, Mudugubba (Post and Mandal) Anantapur District. (Out Sourcing Agent)
3. The Chairman-Curn-Presiding Officer,, Industrial Tribumal- Cum- Labour Court, Anantapur, Anantapur District.(1 to 3 by RPAD)
4. One CC to SRI K Narsi Reddy, Advocate [OPUC]
5. Two CCs to GP FOR LABOUR ,High Court of Andhra Pradesh. [OUT]
6. One spare copy

tvr

HIGH COURT

DVSSJ

DATED:28/04/2020

ORDER

WP.No.7656 of 2020

INTERIM SUSPENSION

28/04/2020