

(2000) 4 ALD 593 : (2000) 1 AnWR 56 : (2000) 86 FLR 920

Andhra Pradesh High Court

Case No: Writ Petition No. 60 of 1998

Y. Ravindranath Varma

APPELLANT

Vs

Managing Director,
APSRTC, Hyd. and
another

RESPONDENT

Date of Decision: Aug. 5, 1999

Acts Referred:

Industrial Disputes Act, 1947 " Section 12(3)

Citation: (2000) 4 ALD 593 : (2000) 1 AnWR 56 : (2000) 86 FLR 920

Hon'ble Judges: J. Chelameswar, J

Bench: Single Bench

Advocate: Mr. S.A.K. Mynoddin, for the Appellant; Mr. A.V. Sivaiah, SC for APSRTC, for the Respondent

Judgement

@JUDGMENTTAG-ORDER

1. The petitioner was appointed in the respondent's Corporation on 6-7-1977 as Welder in Zonal Workshop of Cuddapah. There was a

settlement between the workmen and the Corporation dated 19-10-1997 coming in the purview of Section 12(3) of the Industrial Disputes Act,

1947. One of the terms of the settlement was that :

17. It was agreed to amend Recruitment Regulations, subject to Government's approval, to provide for further age relaxation to all departmental

candidates upto 45 years of age with reference to service put in by them in the Corporation for making eligible to direct recruitment posts.

It can be seen from the above that the Corporation agreed to amend the Recruitment Regulations thereby permitting all the departmental

candidates upto the age of 45 years to seek appointment for any post which is filled up by direct recruitment by the Corporation. However, the

said term was made subject to the approval of the Government. The proposals were placed before the Government and the matter was pending

for some time. In the meanwhile, the respondent-Corporation issued a notification dated 7-11-1997 calling for applications from the eligible

departmental candidates for the posts including Traffic Supervisor (Trainee) and Mechanical Supervisor (Trainee). It was notified that the upper

age limit was 25 years as on 1-7-1997 for both the posts and certain relaxation was granted in favour of the candidates belonging to SC/ST/BC

and Physically Handicapped category.

2. Complaining that the notification is contrary to the settlement referred to above, the present writ petition is filed. On 2-1-1998 while admitting

the matter, an interim direction was granted directing the respondents to accept the application of the petitioner and permit him to attend the test

and interview to be conducted by the Corporation for the purpose of above mentioned recruitment. The affidavit filed in support of the writ petition

is absolutely silent about the fact whether the approval as required under clause 17 of the settlement was granted by the Government or not, as that

fact could not be verified at the stage of admission. In case, if such approval was already granted, the petitioner would be put to serious and

irreparable loss, if he lost the opportunity of participating the selection. This Court passed the above interim order keeping the balance of

convenience in mind. However, the learned Standing Counsel produced a letter of Government of Andhra Pradesh dated 20-7-1999 whereunder

the proposal of the respondent-Corporation seeking relaxation of age limit as contained in clause 17 of the settlement referred to above, was

rejected.

3. In the circumstances, I am of the opinion that the clause 17 of the Settlement cannot be given effect to, as from the terms of the settlement, it is

clear that a part of the settlement is to reach finality only on the approval of the Government of such a term.

4. In the circumstances, I see no merits in the writ petition and the same is dismissed. No costs.