HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

TUESDAY, THE ELEVENTH DAY OF MARCH
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE THE ACTING CHIEF JUSTICE SUJOY PAUL
AND
THE HONOURABLE SMT JUSTICE RENUKA YARA

WRIT APPEAL NOs: 1159 and 1156 of 2023

WRIT APPEAL NO: 1159 OF 2023

Writ Appeal under clause 15 of the Letters Patent preferred against the order dated 06/11/2023 passed in W.P.No.33578 of 2010 on the file of the High Court.

Between:

POWER GRID CORPORATION OF INDIA LTD., Rep. by its Manager, (Human Resources) MCH Complex, R. P. Road, Secunderabad. Present address POWER grid corporation of India ltd. Southern Region Transmission System-1, 6-6-8/32 and 395 E, Kavadiguda Main Road, Secunderabad - 500 080.

...APPELLANT

AND

1. THE INDUSTRIAL TRIBUNAL-II, Rep. by its Chairman, Hyderabad.
2. The NTPC Ltd, 400 KV Hyderabad Sub-Station Karmika Sangham, Rep. by its Secretary, H.No.4-3-621, Raghunadhabagh, Sultanbazar, Hyderabad. Present address. The NTPC Ltd 400 KV Hyderabad Sub-Station Karmika Sangham, Rep. by its Secretary, 1-71, Ghanapur Village Ghatkesar Mandal, MedchalMalkajgiri District.
3. The Management of NTPC Ltd., 400 IN Sub-Station, Rep. by its General Manager Ghanapuram Village, Ghatkesar, Ranga Reddy Dist... Present Address NTPC Ltd. .CFFVplusJR2 Old Praga Tools Premises, Kavadiguda Road, Kavadiguda, Secunderabad, Telangana 500080.

...RESPONDENTS

IA NO: 1 OF 2023

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 suspend the operation of the order dated 06.11.2023 of the Learned Single Judge passed in W.P.33578 of 2010 pending disposal of the above writ appeal.

IA NO: 1 OF 2025

Petition under 148 of CPC & 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 extend the common stay orders Dt. 22.01.2025 passed by this Hon'ble High Court in W.A.1159 of 2023 and in W.A.1156 of 2023 pending admission and disposal of the present Writ Appeals on merits in the interest of justice.

Counsel for the Appellant: SRI PRABHAKAR SRIPADA, Sr. COUNSEL, REP. FOR SRI VALLURI MOHAN SRINIVAS

Counsel for the Respondent No.1: SRI T.VENKAT RAJU, GP FOR LABOUR

Counsel for the Respondent No.2 & 3: SRI T.SRIKANTH REDDY, REP. FOR M/s. K.HEMALATHA

WRIT APPEAL NO: 1156 OF 2023

Writ Appeal under clause 15 of the Letters Patent preferred against the order dated 06/11/2023 passed in W.P.No.4329 of 2011 on the file of the High Court.

Between:

POWER GRID CORPORATION OF INDIA LTD, Rep. by its Manager, (Human Resources) MCH Complex, R.P.Road, Secunderabad. Present address. POWER grid corporation of India ltd. Southern Region Transmission System-1, 6-6-8/32 and 395 E, Kavadiguda Main Road, Secunderabad - 500 080.

...APPELLANT

AND

1. The Industrial Tribunal-II, Rep. by its Chairman, Hyderabad.
2. The NTPC Ltd 400 KV Hyderabad, Sub-Station Karmika Sangham, Rep. by its Secretary, H.No.4-3-621, Raghunadhabagh, Sultanbazar, Hyderabad. Present address. The NTPC Ltd 400 KV Hyderabad Sub-Station Karmika Sangham, Rep. by its Secretary, 1-71, Ghanapur Village Ghatkesar Mandal, Medchal Malkajgiri District.
3. The Management of NTPC Ltd, 400 KV Sub-Station, Rep. by its General Manager Ghanapuram Village, Ghatkesar, Ranga Reddy Dist... Present Address NTPC Ltd. CFFV + JR2 Old Praga Tools Premises, Kavadiguda Road, Kavadiguda, Secunderabad, Telangana 500080.

...RESPONDENTS

IA NO: 1 OF 2023

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 suspend the operation of the order dated 25-11-2010 in I.A. No. 43 of 2010 in ID No. 19 of 1992 passed by the Hon'ble Industrial Tribunal-II at Hyderabad pending disposal of the above Writ Appeal.

IA NO: 2 OF 2023

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 suspend the operation of the order dated 06.11.2023 of the Learned Single Judge passed in W.P.No.4329 of 2011 on the file of this Hon'ble High Court of Telangana at Hyderabad pending disposal of the above Writ Appeal.

IA NO: 1 OF 2025

Petition under 148 of CPC & 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 extend the common stay orders Dt. 22.01.2025 passed by this Hon'ble High Court in W.A.1159 of 2023 and in W.A.1156 of 2023 pending admission and disposal of the present Writ Appeals on merits in the interest of justice.

Counsel for the Appellant: SRI PRABHAKAR SRIPADA, Sr. COUNSEL, REP. FOR SRI VALLURI MOHAN SRINIVAS

Counsel for the Respondent No.1: SRI T.VENKAT RAJU, GP FOR LABOUR

Counsel for the Respondent No.2 & 3: SRI T.SRIKANTH REDDY, REP. FOR M/s. K.HEMALATHA

The Court delivered the following: COMMON JUDGMENT

THE HON'BLE THE ACTING CHIEF JUSTICE SUJOY PAUL
AND
THE HON'BLE SMT. JUSTICE RENUKA YARA

WRIT APPEAL Nos.1159 & 1156 of 2023

COMMON JUDGMENT *(Per the Hon'ble the Acting Chief Justice Sujoy Paul)*:

Sri Prabhakar Sripada, learned Senior Counsel represents Sri V. Mohan Srinivas, learned counsel for the appellant; Sri T. Venkat Raju, learned Government Pleader for Labour Department, for respondent No.1 and Sri T. Srikanth Reddy, learned counsel represents Ms. K. Hemalatha, learned counsel for respondent Nos.2 and 3.

2. Since both the matters are arising out of industrial dispute referred to the Industrial Tribunal, Hyderabad (hereinafter referred to as, "the Tribunal"), on the joint request of learned counsel for the parties, these matters were analogously heard.

3. These intra-court appeals assail the impugned common order dated 06.11.2023 passed in W.P.Nos.33578 of 2010 and 4329 of 2011.

4. The facts in W.A.No.1159 of 2023 are referred for the purpose of disposal of these appeals.

5. There is chequered history of this litigation. The parties have fought a long drawn battle in the corridors of the Court. The industrial dispute was initially referred by the then Government and registered as I.D.No.19 of 1992 before the Tribunal for deciding the point whether the management of N.T.P.C. 400, K.V. Hyderabad Sub-station, Ghanapuram, Ghatkesar, Ranga Reddy District, was justified in terminating the services of nine workmen. The Tribunal passed its first Award on 23.09.1993. This Award became subject matter of challenge in W.P.No.3219 of 1994. A learned Single Judge, by order dated 21.01.2004, dismissed the said writ petition. Dissatisfied with the said order, the appellant/employer filed W.A.No.448 of 2004 which was allowed on 10.10.2006 by setting aside the award dated 23.09.1993 as well as the order of learned Single Judge dated 21.01.2004. The matter was remitted to the Tribunal *"for fresh consideration and disposal on merits"*. The said order of Division Bench was assailed before the Supreme Court in SLP (Civil) No.1643 of 2007. The Supreme Court passed the following order:

"We have learned the learned counsel for the parties.

These special leave petitions are directed against the judgment and order dated 10.10.2006 passed by the Division Bench of the High Court of Andhra Pradesh at Hyderabad whereby the matter has been remitted to the Industrial Tribunal, Hyderabad for fresh consideration and disposal on merits.

In the peculiar facts and circumstances of this case, we deem it appropriate to request the Industrial Tribunal, Hyderabad to dispose of the matter as expeditiously as possible, in any event, within a period of six months from the date of communication of this order.

The petitioners would be at liberty to file fresh application(s) under Section 17-B of the Industrial Disputes Act, 1947, which would be decided by the Tribunal within two months from the date of its filing.

The special leave petitions are disposed of with the aforementioned observation and direction."

6. Learned counsel for the appellant/employer submits that before the Tribunal, the principal stand of the employer was that the industrial dispute was referred by the State Government whereas "appropriate Government" is the Central Government. Learned Single Judge has recorded alleged concession of learned counsel for the appellant/employer that the appellant/employer did not press the point relating to "appropriate Government". It is argued that no concession of Advocate can create a jurisdiction and this question of law needs to be decided.

7. In addition, it is submitted that since beginning, the stand of the appellant/employer before the Tribunal was that the nine terminated workmen for whom industrial dispute was referred for adjudication were not appointed, engaged and employed by the appellant/employer. They were employees of the Contractors. For this purpose, a sizable number of documents were filed which were supported by the management witnesses while entering the witness box. The Tribunal brushed aside those documents and their evidence by a bald finding that the management has filed number of documents to confuse the Tribunal.

8. The appellant/employer when raised aforesaid points before the learned Single Judge in the present matter, following findings were given:

> "12. All the issues raised in the present Writ Petition have already been answered in the earlier round of litigation and this Court concurs with the findings given by this Court in Writ Petition No. 3219 of 1994. The matter was remanded only on the issue of the authority of the State Government to refer the dispute to the Industrial Tribunal as on that date and the Industrial Tribunal after discussing the evidence placed by the petitioner company more particularly the Gazette notification specifically dated 31.12.1998 published under Section 27(A)(1) of the Act and the letter of the Ministry of Labour & Employment dated 09.03.2005 had held that the State Government is the competent

authority to refer the dispute to the Industrial Tribunal as on that date."

9. It is submitted that learned Single Judge has based his findings on the order passed in W.P.No.3219 of 1994, which findings, by no stretch of imagination, are binding. Once the order of learned Single Judge in previous round in W.P.No.3219 of 1994 is set aside by directing fresh consideration on merits, the earlier findings pales into insignificance. Learned Single Judge has failed to consider the merits on fresh adjudication and erroneously based on the findings given in the previous round.

10. Learned counsel for respondent Nos.2 and 3 supported the impugned common order and submitted that the industrial dispute was referred way-back in the year 1992.

11. We have heard learned counsel for the parties at length.

12. The journey of this litigation shows that in the previous round by the first award dated 23.09.1993, the Tribunal decided the reference in favour of the workmen which got a stamp of approval by the a learned Single Judge of this Court in W.P.No.3219 of 1994, dated 21.01.2004. However, this order of learned Single Judge could not sustain scrutiny in W.A.No.448

of 2004. The Supreme Court also did not disturb the findings of the Division Bench in W.A.No.448 of 2004 and merely directed the Tribunal to dispose of the matter as expeditiously as possible, in any event, within a period of six months. In turn, the impugned award dated 25.11.2010 was passed which became subject matter of challenge in the present writ petitions.

13. We find substantial force in the argument of learned counsel for the appellant/employer that the learned Single Judge has erred in holding that all issues raised by the present appellant/employer are answered in the earlier round of litigation and therefore, he concurred with those findings. In our opinion, since earlier order of learned Single Judge in W.P.No.3219 of 1994 was set aside and the matter was remanded to the Tribunal for "*fresh consideration on merits*", there was no justification in basing the impugned common order on the basis of findings given in W.P.No.3219 of 1994. For this singular reason alone, the impugned common order of learned Single Judge in both the W.P.Nos.33578 of 2010 and 4329 of 2011 cannot be permitted to stand.

14. Resultantly, both the Writ Appeals are **disposed of** by setting aside the impugned common order dated 06.11.2023 passed in W.P.Nos.33578 of 2010 and 4329 of 2011. The W.P.Nos.33578 of 2010 and 4329 of 2011 are restored to their original numbers. Considering the history of litigation, we request the learned Single Judge to make endeavour to decide the matters afresh before ensuing summer vacation. It is made clear that this Court has not expressed any opinion on merits of the case. No costs.

Interlocutory applications, if any pending, shall also stand closed.

SD/-T. KRISHNA KUMAR
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Chairman, Industrial Tribunal-II, Hyderabad.
2. The Secretary, NTPC Ltd, 400 KV Hyderabad Sub-Station Karmika Sangham, H.No.4-3-621, Raghunadhabagh, Sultanbazar, Hyderabad. Present address. The Secretary, NTPC Ltd 400 KV Hyderabad Sub-Station Karmika Sangham, 1-71, Ghanapur Village Ghatkesar Mandal, MedchalMalkajgiri District.
3. The General Manager, Management of NTPC Ltd., 400 IN Sub-Station, Ghanapuram Village, Ghatkesar, Ranga Reddy Dist., Present Address NTPC Ltd. CFFV + JR2 Old Praga Tools Premises, Kavadiguda Road, Kavadiguda, Secunderabad, Telangana 500080.
4. The Section Officer, Posting Section, High Court for the State of Telangana at Hyderabad.
5. The Section Officer, Writ DB Section, High Court for the State of Telangana at Hyderabad.
6. The Section Officer, Writ Service Section, High Court for the State of Telangana at Hyderabad.
7. One CC to SRI VALLURI MOHAN SRINIVAS, Advocate [OPUC]
8. One CC to M/s. K.HEMALATHA, Advocate [OPUC]
9. Two CCs to GP FOR LABOUR, High Court for the State of Telangana at Hyderabad [OUT]
10. Two CD Copies

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HIGH COURT

DATED: 11/03/2025

COMMON JUDGMENT

WA.Nos.1159 & 1156 of 2023



DISPOSING OF BOTH THE WRIT APPEALS,

WITHOUT COSTS

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18/3/25