

ITEM NO.12

COURT NO.6

SECTION XIIA

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petitions for Special Leave to Appeal (C) Nos. 35299-35302/2015

(Arising out of impugned final judgment and order dated 22/09/2015 in WPMP No. 21218/2015 22/09/2015 in WP No. 16330/2015 22/09/2015 in WPMP No. 21643/2015 22/09/2015 in WP No. 18153/2015 22/09/2015 in WPMP No. 21449/2015 22/09/2015 in WP No. 16504/2015 22/09/2015 in WP No. 16660/2015 22/09/2015 in WPMP No. 23456/2015 passed by the High Court Of Judicature At Hyderabad For The State Of Telangana And The State Of Andhra Pradesh)

TRANSMISSION CORPORATION OF ANDHRA PRADESH  
LTD AND ORS. ETC.

Petitioner(s)

VERSUS

P.B. KARUNAKAR AND ORS. ETC.

Respondent(s)

(With interim relief and office report)

WITH

SLP(C) No. 33782-33784/2015

(With Interim Relief and Office Report)

Date : 08/04/2016 These petitions were called on  
for hearing today.

CORAM :

HON'BLE MR. JUSTICE FAKKIR MOHAMED IBRAHIM KALIFULLA  
HON'BLE MR. JUSTICE S.A. BOBDE

For Petitioner(s) Mr. L.N. Rao, Sr. Adv.  
In 35299-35302/15 Mr. Guntur Prabhakar, Adv.

For Petitioner(s) Mr. K.Ramakrishna Reddi, Adv. Gen.  
In 33782-33784/15 & Mr. T.V. Ratnam, Adv.  
rr.in 35299-302/15 Mr. S. Udaya Kumar Sagar, Adv.  
Mr. Krishna Kumar Singh, Adv.

For Respondent(s) Mr. Vikas Singh, Sr. Adv.  
Mr. V. Sridhar Reddy, Adv.  
Mr. Abhijit Sengupta, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

Heard Shri L.N. Rao, learned senior counsel appearing for the petitioner in SLP(C) Nos. 35299-35302 of 2015, Shri K. Ramakrishna Reddi, learned Advocate General appearing for the petitioners in SLP(C) Nos. 33782-33784 of 2015 and Shri Vikas Singh, learned senior counsel appearing for the employees.

Earlier when SLP(C) Nos. 35299-35302 of 2015 came up before us on 04.12.2015, we requested the High Court to hear and dispose of the matter at the earliest. However, when it was reported to us that it was not disposed of, by our order dated 10.12.2015, we requested the High Court to hear the matter on 20.01.2016 on day-to-day basis and decide the same expeditiously in accordance with law. The same did not happen, as requested by this Court in the order dated 10.12.2015. It was in these circumstances, it was reported to us on 18.03.2016 that a Committee headed by Justice D.M. Dharmadhikari, a former Judge of this Court had been constituted by the High Court to sort out all pending issues, pursuant to the Andhra Pradesh

Reorganisation Act, 2014 (Act No. 6 of 2014). It was also reported that the said Committee was likely to submit its report by 31.03.2016 and that the writ petitions were posted for hearing on 04.04.2016. Therefore, awaiting final orders to be passed by the High Court, these cases were listed today for hearing.

Today, it is reported that no report was filed by the Committee and that the High Court had to adjourn the writ petitions awaiting the stand of the Committee to be reported before it and that the cases are being listed on 12.04.2016. In these circumstances having perused the impugned order(s) and having heard respective counsel for the parties, we find that by virtue of the interim order of the High Court, the employees are allowed to render their services in the power utility units located in the State of Telangana while obligation has been casted on the State of Andhra Pradesh also to bear their salary to the extent of 58.32 per cent. Shri L.N. Rao, learned senior counsel states that as many as 1100 employees are being sought to be shifted from the State of Telangana to the State of Andhra Pradesh solely on the ground that their place of birth/nativity is in

the State of Andhra Pradesh. We are afraid such a step can be a ground for payment of salary being fastened on the State of Andhra Pradesh when as a matter of fact the concerned employes are continued to stay within the State of Telangana and work in the various power utility units.

Shri K. Ramakrishna Reddi, learned Advocate General vehemently contended that the employees concerned are not rendering any services to the State of Telangana. We can only state that it is the responsibility of the concerned Corporation and the respective power utility units to ensure that so long as the employees continue to remain in the services of those units, the employees were bound to work and it is for the employer to assign duties and extract work from them. Therefore, on that ground we do not find any justification for the State of Telangana to contend that they have no obligation to pay full wages to the employees. *Prima facie*, we are satisfied that so long as the employees continue to remain in the services of the respective power utility units within the State of Telangana, pending further orders to be passed by the High Court in the writ petitions, it is the responsibility of the State of Telangana and the concerned power utility units

to bear the salary payable to the employees concerned.

The order of the High Court is modified so far as it related to the direction regarding salary to the extent of 58.32 per cent payable by the State of Andhra Pradesh and the State of Telangana is directed to ensure that full salary is paid to the employees who are employed and working with the respective power utility units. In other respect the interim order passed by the High Court shall continue to operate.

This arrangement shall continue till the final orders to be passed by the High Court. The reimbursement, if any, to be made to the State of Andhra Pradesh by the State of Telangana or vice versa shall be ordered by the High Court while passing final orders. It is needless to say that the High Court shall ensure that writ petitions are disposed of at the earliest, preferably within eight weeks' time.

With the aforesaid limited modification and observations, the special leave petitions are disposed of.

[ Charanjeet Kaur ]  
A.R.-cum-P.S.

[ Sharda Kapoor ]  
Court Master