

Court No. - 35

Case :- WRIT - A No. - 17728 of 2023

Petitioner :- Tulsi Ram Mishra

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Satyendra Prakash Srivastava

Counsel for Respondent :- C.S.C.,Sunil Kumar Misra

Hon'ble Vikas Budhwar,J.

This case has been nominated to this Court by the order of Hon'ble the Chief Justice.

1. Heard Sri S.P. Srivastava, learned counsel for the writ petitioner and Sri Shailendra Singh, learned Standing Counsel who appears for respondent No. 1 and Sri Sunil Kumar Mishra, learned counsel who appears for respondents No. 2 to 5.

2. The case of the writ petitioner is that he was initially engaged as a Conductor on temporary basis in U.P. State Road Transport Corporation in the year 1981-82 and his services stood regularized in the year 1988. Owing to certain acts and omissions sought to be inflicted upon the writ petitioner he was placed under suspension on 15.01.2011 a charge sheet was served on 08.02.2011 to which the writ petitioner claims to have been submitted his reply on 25.02.2011, however, as per the writ petitioner he was reinstated in service on 07.06.2011. Thereafter, according to the writ petitioner pursuant to a complaint again the proceedings were drawn, a show cause notice was issued on 04.07.2014 on the basis of the inquiry report and the disciplinary authority disagreed with the same which culminated into an order dated 30.08.2014 terminating the services of the writ petitioner against which the writ petitioner claims to have preferred writ petition no. 51197 of 2014 which came to be disposed of on 23.09.2014 requiring the writ petitioner to avail the statutory remedy and thereafter the appeal preferred by the writ petitioner under Regulation 69 of 1981 Regulation came to be dismissed of on 20.11.2014 it was challenged in Writ A No. 2248 of 2014 which came to be allowed while remitting the matter back from the date of conduction of the inquiry. The writ petitioner further claims to have been accorded joining in the post in question since the writ petitioner was not paid the salary for the suspension period from 30.08.2014 till 05.10.2017 he preferred Writ A No. 13422 of 2019 which came to be disposed of on 15.11.2019 as at the time of passing of the order the proceedings were already pending and thereafter according to the writ petitioner an order is stated to have been passed on 12.12.2019 by the third respondent,

Regional Manager, U.P. State Road Transport Corporation, Cantt, Depot, Varanasi whereby the writ petitioner was reverted for a period of two years by five stages. As per the writ petitioner, the said order was modified to the extent that the period of two years was reduced to one year. The writ petitioner further claims to have superannuated on 24.01.2021.

3. Prayer in the present petitioner is for a direction to the respondents for payment of Group Insurance, Salary for the said period and subsistence allowance along with the interest.

4. Sri Sunil Kumar Mishra, learned counsel who appears for respondents No. 2 to 5, on the other hand, submits that the issues which the writ petitioner seeks to raise needs determination post occurrence of subsequent developments by the third respondent as according to him a conscious decision is to be taken as per the regulations and the fundamental rules if they stand applied as to what would be the treatment of the services of the writ petitioner with regard to payment of monetary benefits for the period when he was placed under suspension post infliction of punishment after holding of the departmental inquiry. He submits that let the writ petitioner represent his cause before the third respondent who shall redress the claim of the writ petitioner.

5. To such a submission learned counsel for the writ petitioner has no objection and he gracefully accepts the same.

6. Considering the submission of the rival parties as well as the stand taken by them, the writ petition is being disposed of without seeking any response from the respondents granting liberty to the writ petitioner to approach the third respondent by means of a comprehensive representation along with the self attested copy of the writ petition and the third respondent on the receipt of the same shall decide the claim of the writ petitioner within a period of three months from the date of production of certified copy of the order.

7. With the aforesaid observation, the writ petition stands disposed of.

8. Since the writ petition is decided without seeking any response, thus, passing of this order may not be construed to be an expression that this Court has gone into the merits of the matter.

Order Date :- 8.11.2023

Rajesh