

THE HON'BLE SRI JUSTICE DILIP B.BHOSALE

AND

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT APPEAL No. 244 of 2015

PC: (per the Hon'ble Sri Justice Dilip B.Bhosale)

This appeal is directed against the order, dated 02.02.2015, passed in W.P.No.1652 of 2015 filed by the appellant, in effect, challenging the order, dated 07.06.2011, passed in appeal by respondent No.3. By this order, the earlier order of removal from service was set aside and the appellant was given an opportunity to serve the Corporation on the conditions mentioned therein. The conditions mentioned in the order, dated 07.06.2011, read thus:

1. "Sri Zaheer Narik, E.209345, Ex-Driver of Picket Depot is reinstated into service as Driver with punishment of postponement of his annual increments which falls next due by 02 years with cumulative effect.
2. The period from the date of removal to till he reports for duty on reinstatement shall be treated as Not on Duty for all purposes.
3. On reinstatement, the appellant is hereby posted to Tandur Depot.
4. He shall report to the Depot Manager, Tandur Depot within (7) seven days from the date of receipt of this order, failing which the proceedings are deemed to have been cancelled.
5. He shall be directed to the Medical Examination before taking him on duty.
6. His Security depot is forfeited to the Corporation. He should pay Security deposit at DM's Office, Tandur Depot."

On 27.03.2015, the appellant filed a memo duly signed by him and his Advocate on record stating that he would not claim any benefits from the date of removal till his reinstatement in terms of the order, dated 07.06.2011.

On last occasion, in view of the submission made by learned counsel for the Corporation, the appellant was directed to undergo a driving test, since he is out of service for last more than four years. This Court is informed that he has undergone the driving test and has cleared the same.

In this view of the matter, learned counsel for the appellant does not press this appeal. Learned counsel for the Corporation submits that they will reinstate the appellant after conducting medical examination as stipulated in paragraph '5' of the order, dated 07.06.2011, on or before 05.05.2015. Thus, the order, dated 07.06.2011, stands confirmed.

Writ appeal is disposed of.

Consequently, miscellaneous petitions, if any, also stand disposed of.

DILIP B.BHOSALE,J

A.RAMALINGESWARA RAO,J

Dt:20.04.2015

kdl

