

HON'BLE SRI JUSTICE R. KANTHA RAO
W.P.No.32685 of 2015

ORDER:

This writ petition is filed seeking to direct the respondents to release all the service and retiral benefits of the petitioner by treating him to be in service upto the date of his superannuation i.e., 31.10.2007.

The petitioner worked as Conductor in the respondent-Corporation. While in service, alleging certain irregularities, he was removed from service. Challenging the said removal order, he filed I.D.No.122 of 2002 before the Tribunal, which was dismissed. Aggrieved by the same, he filed W.P.No.7769 of 2004 and the same was also dismissed *vide* order dated 19.08.2005. Thereafter, he filed W.A.No.1839 of 2005.

A Division Bench of this Court, while setting aside the removal order, directed the respondent-Corporation to reinstate the petitioner into service, if not already retired forthwith, and imposed the punishment of stoppage of two increments with cumulative effect *vide* order dated 28.07.2009.

The version of the petitioner is that while the writ appeal was pending before the Division Bench, he attained the age of superannuation and in view

of the order passed by the Division Bench of this Court, he is entitled to all the benefits as if he was in service duly giving effect to the penalty imposed by the Division Bench in W.A.No.1839 of 2005. Hence, he made representation dated 26.02.2015 to respondents 2 and 3 to release his retiral and pensionary benefits.

In similar circumstances, this Court in W.P.No.27085, dated 26.08.2015, directed the respondents to treat the petitioner therein as continuing in service in view of the setting aside the order of his removal from service, and the same was directed to be taken into account for reckoning his pensionary benefits, after giving effect to the substituted punishment of withholding of two increments, which shall start from the date of his earlier punishment and release the service and retiral benefits by calculating the same upto the date of his superannuation.

In view of the above, the respondents are directed to consider the representation dated 26.02.2015 made by the petitioner and pass appropriate orders in terms of the order passed by this Court in W.P.No.27085 of 2015 within a period of eight weeks from the date of receipt of a copy of this order. No costs.

**Miscellaneous petitions pending, if any, shall
stand closed.**

JUSTICE R. KANTHA RAO

8th October, 2015
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