

**HON'BLE SRI JUSTICE R.KANTHA RAO**

**W.P.No.19908 of 2015**

**ORDER:**

Heard learned counsel appearing for the petitioner and learned Standing Counsel appearing for respondents 1 to 3.

This writ petition is filed seeking to declare the action of the respondent-Corporation in not promoting the petitioner to the post of ADC/Controller on par with his colleagues, as arbitrary and illegal.

The petitioner was appointed as Driver in the respondent-Corporation. While working in the respondent-Corporation, on the ground of absenteeism, the petitioner was removed from service *vide* proceedings dated 19.2.1991. Aggrieved by the same, the petitioner approached Industrial Tribunal by filing I.D.No.24 of 2000 and the same was allowed by setting aside the removal order passed by the respondent-Corporation and awarding reinstatement of the petitioner with continuity of service and attendant benefits, but without back wages.

The grievance of the petitioner is that though

he was given the benefit of continuity of service by the Industrial Tribunal, he was not given promotion though some of his juniors were promoted in 2012. Hence, he made a representation dated 4.6.2012 to the respondent-Corporation seeking promotion and re-fixation of pay as per the award of the Industrial Tribunal. But, so far, his case was not considered.

The fact remains that even though the petitioner was given continuity of service vide award of the Industrial Tribunal in I.D.No.24 of 2000, his case was not considered for promotion and some of his juniors were promoted.

Under these circumstances, the petitioner is directed to make a fresh representation to the respondent-Corporation to consider his case for promotion. On receipt of such representation, the respondent-Corporation is directed to consider the case of the petitioner for promotion in the light of the award passed by the Industrial Tribunal in I.D.No.24 of 2000, subject to his eligibility and as per Rules, within a period of eight weeks from the date of receipt of a copy of this order.

Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this writ petition stand closed.

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JUSTICE R.KANTHA RAO

*3<sup>rd</sup> July, 2015*  
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