

THE HON'BLE SRI JUSTICE DILIP B. BHOSALE
AND
THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

W.A.No.1581 OF 2014
AND
W.A.V.M.P.No.368 OF 2015

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P.C: *(Per Hon'ble Sri Justice Dilip B. Bhosale)*

Heard learned Senior Counsel for the parties.

The Writ Appeal is filed by original respondent No.4 challenging the order dated 23.06.2014 passed in W.P.No.9484 of 2006.

We would not like to refer to a controversy involved in this appeal and we are satisfied that reference to the concluding paragraph of the impugned order would be sufficient to dispose of the Writ Appeal with the order that we propose to pass.

The concluding paragraph reads thus:

“Under these circumstances, instead of usurping the administrative power and discretion of the respondents 1 to 3, this Court desires to direct the said authorities to consider the representation of the petitioner dated 06.02.2006, or in the alternative, if the said representation, owing to efflux of time, could not be traced, the respondent authority may direct the petitioner to file a fresh representation and thereafter consider the same on merits to pass appropriate orders on the issue of the fourth respondent Society in not permitting the petitioner to discharge his duties and thereby not paying his salary. In the light of the inordinate delay that has already occurred, it is expected that the respondent authorities may expedite the process and pass appropriate orders within two weeks from the date of receipt of a copy of this order. If fresh representation is required to be submitted by the petitioner, the appropriate orders shall be passed by the authorities within two weeks after the submission of the said representation by the petitioner. It is further made clear that, at the time of passing orders on representation of the petitioner, the respondent authorities are expected to take into

consideration the observations of this Court in the present disposition.”

It is not in dispute that respondent No.1, i.e., petitioner in W.P.No.9484 of 2006, superannuated on 30.06.2012, and therefore, question of either reinstatement or allowing him to resume and discharge his duties does not arise.

Learned counsel for respondent No.1 fairly states that though in the representation, referred to in the concluding paragraph of the impugned order, respondent No.1 prayed for permitting him to discharge his duties and pay his salary, it may be considered only in respect of his prayer for payment of arrears of salary. In other words, he submits that his representation, as referred to in the concluding paragraph of the impugned order, may be considered only insofar as monetary benefits/arrears of salary is concerned.

Learned Senior Counsel for the appellants submits that the appellants are prepared to consider and decide the representation and communicate their decision to respondent No.1 within a time frame.

In this view of the matter, learned Senior Counsel for the parties have agreed for disposal of the Writ Appeal and Miscellaneous Petition in terms of the following directions:

- 1) Respondent No.1 shall make a fresh representation to the appellants within a period of four weeks from today.
- 2) The appellants shall consider and decide the representation that will be made by respondent No.1 within a period of eight weeks therefrom i.e., within a period of twelve weeks from today.
- 3) It is needless to mention that the appellants shall communicate its decision to respondent No.1 within a period of two weeks from the date of deciding the representation.

- 4) If the order passed by the appellants on the representation is adverse to respondent No.1, it is open for respondent No.1 to challenge the same before appropriate forum/authority in accordance with law.

With these observations, the Writ Appeal and the Miscellaneous Petition are disposed of. There shall be no order as to costs.

The Miscellaneous Petitions filed in this Writ Appeal shall stand disposed of.

DILIP B. BHOSALE, J

A. RAMALINGESWARA RAO, J

23.02.2015

Note:- Furnish C.C. today.

(B/o)

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