

THE HON'BLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.11596 of 2015

ORDER:

The writ petition is filed by the petitioner seeking a writ of mandamus declaring the action of the respondents in not appointing the petitioner in the post of Assistant Manager (Finance) is illegal and arbitrary and consequently direct the respondent to appoint the petitioner as Assistant Manager (Finance) in the respondent Corporation.

Heard and perused the material.

Learned counsel for the petitioner submits that even though the petitioner has voluntarily retired from the service due to his ill-health, he made a representation, dated 15.01.2013, to the respondent to permit him to withdraw the VRS application in view of improvement of his health and prays this Court to direct the respondent to consider his representation and appoint the petitioner in the respondent Corporation. Learned counsel further submits that the petitioner is not having any bad remarks nor there is any proceedings initiated against him in his entire service and hence, it is a fit case to allow the petitioner to serve his remaining service.

It is necessary to extract the representation, dated 15.01.2013, made by the petitioner and the same reads as under.

With due respects, I would like to bring the following few lines for your kind perusal, sympathetic consideration on humanitarian grounds and favourable orders please.

I was appointed as Jr.Clerk (P) on 07.01.1980 and subsequently converted as JA(F) in the month of September 1980. Ever since my appointment, I have discharged my duties to the utmost satisfaction of my superior officers, without giving any room for complaints etc., I have put in 33 years of service in the organization without any bad remark and unblemished service.

I was promoted to the post of Assistant Manager (F) on 03.05.2012 and posted to Kukatpally depot. Subsequently I was transferred and posted to Adilabad depot, and reported on 10.09.2012.

Due to ill-health, I took a wrong decision and submitted VRS application

and the same was accepted w.e.f. 18.12.2012 vide Office Order No.E1/255(10)/2012-ADB, dated 18.12.2012 of Depot Manager, Adilabad.

Now I am totally cured and able to discharge my duties peacefully without any disturbances.

I am having 3 years of left over service and I would like to withdraw the VRS and assuring you, Sir, that I will discharge my duties sincerely, with dedication and also I will prove that I would be a benefactor to the Organisation.

I am a native of Nizamabad, where my family and children are put up and I am only the earning member in my entire family.

In view of the real facts put forth before your kind majesty, I implore your goodness to kindly permit me to withdraw my VRS application and arrange to allot me to Nizamabad Region please.

For which act of kindness, I shall ever pray to your honours long life and prosperity.

In anticipation, thanking you sir,

On perusing the above representation, this Court is of the view that the said representation very clearly indicates that though the petitioner has opted voluntarily retirement earlier, he intends to continue in service in view of improvement in his health condition.

Hence, in view of the facts and circumstances of the case, the writ petition is disposed of directing the respondent to consider and dispose of the representation of the petitioner in accordance with law, within a period of three months from the date of receipt of copy of this order.

The writ petition is accordingly disposed of. Consequently, miscellaneous petitions, if any shall also stand disposed of.

JUSTICE RAJA ELANGO

21.04.2015

pln

