

HON'BLE MR JUSTICE R. KANTHA RAO

Writ Petition NO.17388 OF 2015

DATE:17.06.2015

BETWEEN:

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K.N.S. Naik (K.Narayanaswamy Naik) .. Petitioner

And

The APSRTC, Hyderabad rep. by its Managing Director and another

.. Respondents

HON'BLE SRI JUSTICE R. KANTHA RAO

Writ Petition NO.17388 OF 2015

ORDER:

This writ petition is filed by the petitioner under Article 226 of the Constitution of India seeking to issue a writ of mandamus declaring the impugned order, dated 08.05.2014 rejecting to grant family planning increment on the ground that the petitioner had submitted the application for family planning increment with (20) days delay from the date of tubectomy operation to the petitioner's wife, as illegal, arbitrary and violative of Articles 14 and 21 of the Constitution of India and consequently to direct the respondents to add the family planning increment with effect from 02.04.2014 along with arrears of pay.

Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents.

The petitioner has been working as driver in the respondents corporation. The petitioner's wife after giving birth to two children, underwent tubectomy operation on 03.02.2014. Thereafter, the petitioner submitted an application dated 02.04.2014 duly enclosing the certificates seeking family planning increment. It is submitted on behalf of the petitioner that in spite of the repeated requests of the petitioner, the family planning increment was not granted to him. Thereafter, the petitioner got issued a legal notice dated 06.09.2014 to the second respondent who in turn sent a reply dated 17.09.2014 informing the petitioner that his request for family planning increment was rejected by proceedings dated 08.05.2014 on the ground of delay in submitting the application. According to the petitioner, no such rejection order is communicated to him. In any event, as per the rules, the application seeking family planning increment shall be submitted within ten days from the date of operation, but there is delay of 39 days in submitting the application which resulted in rejection of the application for grant of family planning increment. It is the version of the petitioner that as he was looking after the needs of his wife, he could not submit the application at an appropriate time.

This Court is of the considered view that merely because there is some delay in making the application, the family planning increment cannot be refused to the petitioner by the respondents Corporation.

Therefore, the writ petition is disposed of directing the second respondent to sanction family planning increment to the petitioner within a period of two weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed in consequence.

R.KANTHA RAO,J

Date:17.06.2015

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THE HON'BLE SRI JUSTICE R.KANTHA RAO

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