

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

WRIT PETITION No.28135 of 2005

ORDER:

The petitioner was appointed as Clerk in 1988 and posted in the Office of Satyanarayana Swamy Temple at Gudemgutta of Danedepally Mandal in Adilabad District. Thereafter petitioner was transferred to Sai Baba Temple at Karimnagar in 1991. But in September, 1992 his services were surrendered by the A.P. Commissioner of Endowments to the Dy.Commissioner.

2. When the petitioner was not given any posting after 1993, he approached this Court by way of this Writ Petition seeking a direction to the 1st respondent to give posting orders at a suitable place forthwith. He also sought a consequential direction to pay arrears of salary from 14-09-1991 till 29-12-2005 with all consequential benefits such as promotion, increments etc.

3. On 19-02-2007, this Court admitted the Writ Petition and gave a direction to the 1st respondent to give effective posting orders to the petitioner so that he can join in the service. This order was complied with.

4. Petitioner filed W.P.M.P.No.11891 of 2008 seeking a direction to the respondents to pay monthly salary to the petitioner from 01-10-2007 along with all arrears of salary from 14-09-1991 onwards. He made a representation dt.29-10-2007 to the 1st respondent in this regard and he sought a direction for disposal of the said representation.

5. On 05-08-2008, this Court allowed the said W.P.M.P. and directed the 1st respondent to consider the case of petitioner for payment of salary w.e.f. 01-10-2007.

6. Learned counsel for petitioner states that salary was being released from 01-10-2007. The petitioner, however, claims that he should be paid salary and other benefits from 14-09-1991 till 01-10-2007.

7. No counter affidavit has been filed by respondents even though more than 10 years have elapsed since filing of the Writ Petition. The matter had appeared before this Court on 16-09-20016 and 23-09-2016 and even then no counter affidavit has been filed till today by the respondents. Therefore, it is construed that respondents have no counter-affidavit to file.

8. Since petitioner had approached this Court on 29-12-2005 seeking arrears of salary from 14-09-1991, after delay of 14 years, and since the period of limitation for recovery of amount would be three years, I am inclined to grant relief to the petitioner as regards the payment of arrears of salary from 01-01-2003 till 01-10-2007 with interest @ 9% p.a. thereon along with all consequential benefits such as increments etc.

9. The Writ Petition is allowed as above. No costs.

10. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 18-10-2016

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