

HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

W.V.M.P.No.1422 of 2012 in W.P.No.9068 of 2012

and

W.P.No.9068 of 2012

ORDER:

Heard the learned counsel for the petitioner and Sri A.Ravi Babu, learned Standing Counsel for respondents.

2. Petitioner had filed this Writ Petition to declare the action of the respondents in proposing to retire him with effect from 31-03-2012 is illegal and contending that he was entitled to service up to 04-03-2016.

3. On 30-03-2012, this Court directed the respondents to continue the petitioner in service till further orders. Pursuant to the said interim order, it is an admitted fact that the petitioner had continued in service up to 04-03-2016 and though W.V.M.P.No.1422 of 2012 was filed by the respondents to vacate the interim order dt.30-03-2012, the W.V.M.P. could not be taken up.

4. In this view of the matter, since the petitioner had continued in service up to 04-03-2016 on the basis of the interim order granted by this Court on 30-03-2012, the Writ Petition has become infructuous and no order need be passed in W.V.M.P.No.1422 of 2012 since the order passed by the learned Single Judge on 30-03-2012 has worked itself out. Therefore, W.V.M.P.No.1422 of 2012 is also dismissed.

5. Learned counsel for the petitioner contended that his client is entitled to pension up to 04-03-2016.

6. The learned Standing Counsel for the respondents states that the petitioner would be paid pension taking his date of retirement as 31-03-2012 only and since the issue of pension is not the subject matter of present Writ Petition, if the petitioner is aggrieved by the proposal of the respondents to pay pension on the basis of service up to 31-03-2012 and not his service up to 04-03-2016, he should agitate the same in a separate Writ Petition.

7. I find force in the submission of learned Standing Counsel for the respondents.

8. Therefore, the Writ Petition is disposed of directing the respondents to pay the pension to the petitioner treating that he retired from service with effect from 31-03-2012 only and leaving it open to the petitioner to claim pension on the basis that he continued in service up to 04-03-2016 by way of separate Writ Petition, if he is so advised. No costs.

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

JUSTICE M.S.RAMACHANDRA RAO

Date: 10-11-2016
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