

THE HON' BLE SRI JUSTICE M. SEETHARAMA MURTI

WRIT PETITION No.4630 of 2006

ORDER:

This writ petition is filed, under Article 226 of the Constitution of India, to direct the respondents to fix the time scale of the petitioner with effect from 30.01.1981 instead of from 01.07.1989 as per the judgment dated 29.01.1999 in Writ Appeal No.2315 of 1998.

2. I have heard the submissions of *Smt R. Annapurna*, learned counsel for the writ petitioner. I have perused the material record.

3. This writ petition came to be admitted on 20.11.2006. On 18.09.2008, after hearing both the sides, this Court passed the following order in WPMP.no.5842 of 2006: - 'There shall be direction to the respondents to consider the case of petitioner for fixation of time scale in terms of Judgment rendered in W.A.No.2315/98 dated 29-1-1999, if the same is applicable to the petitioner. The Respondents shall pass appropriate orders within a period of four weeks from the date of receipt of this order and communicate the same to the petitioner. The WPMP is accordingly disposed of.' Thus, by the said orders, this Court directed the respondents to consider the case of the petitioner for fixation of time scale in terms of judgment dated 29.01.1999 rendered in W.A.No.2315 of 1998, if the same is applicable to the petitioner. Thereafter, the 2nd respondent *vide* proceedings in Lr.No.SE/ TL&SS/ RJY/ PO/ JPO/ F../ D.No.3734/ 08 dated 05.11.2008 decided that the writ petitioner is not entitled for fixation of time scale with effect from 30.01.1981 and accordingly ordered that he is not entitled for fixation of time scale with effect from 30.01.1981. A

copy of the said proceedings is filed along with the additional counter dated 09.03.2012.

4. In view of the said development, learned counsel for the petitioner would submit that the writ petition may be disposed of reserving liberty to the petitioner to question the afore-stated proceedings dated 05.11.2008.

5. Recording the said submission, the Writ Petition is disposed of reserving liberty to the petitioner to question the aforementioned proceedings, dated 05.11.2008, by an appropriate proceeding, which the law permits.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

30.01.2017
VJI

M. SEETHARAMA MURTI, J

