

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.18311 OF 2001

ORDER

Heard Sri P.Govinda Rajulu, learned counsel appearing for the petitioner and Sri P.Durga Prasad, learned Standing Counsel appearing for the respondent-Corporation.

This writ petition is filed seeking to direct the respondent-Corporation to protect the services of the petitioner from the date of his initial appointment; fix the seniority in appropriate stage in the seniority list; to grant Grade-I and equivalent allowance benefits and pay arrears; to carry forward the leave of the petitioner from post of Cleaner and to pay 1985 R.P.S and Leave Encashment Arrears and exgratia for the period from 1985-1986 and various other reliefs.

It is the case of the petitioner that he was initially appointed as a Cleaner on 3.7.1975; thereafter, promoted as a Conductor on 19.4.1982; that while working as such, a check was exercised by the checking officials, and cash and ticket irregularities were found; that the respondent-Corporation has construed the said act as mis-conduct;

that after conducting departmental enquiry, he was removed from service *vide* proceedings dated 29.4.1986. Challenging the same, the petitioner has filed I.D.No.154 of 1986 before the Labour Court, Guntur, which by its order dated 8.7.88 had passed an Award and directed the respondent-Corporation to reinstate the petitioner into service afresh, without continuity of service, back wages and attendant benefits. Aggrieved by the same, the petitioner filed W.P.No.4749 of 1989 seeking to the extent of reinstatement into service with full back wages, continuity of service and other attendant benefits. The said writ petition was disposed of on 16.3.1993 to the effect that the petitioner is entitled to continuity of service and attendant benefits, however, back wages are denied. In compliance of the said order, the respondent-Corporation reinstated the petitioner into service with continuity of service and attendant benefits. Thereafter, the petitioner submitted a representation on 7.7.2001 to the respondent-Corporation seeking to protect his seniority, grant Grade-I benefit, equivalent allowances and various other reliefs.

Learned counsel appearing for the petitioner submits that the petitioner is entitled to the reliefs as sought for,

since W.P.No.4749 of 1989 was disposed of directing the respondent-Corporation to reinstate the petitioner into service with continuity of service, attendant benefits and other consequential reliefs.

Learned Standing Counsel appearing for the respondent-Corporation submits that all the benefits were extended to the petitioner in compliance of the orders passed in W.P.No.4749 of 1989 and the petitioner had retired from service and there is no denial of any benefits to the petitioner and hence, the writ petition is liable to be dismissed.

It appears, during the pendency of writ petition, the petitioner had retired from service, and insofar as arrears are concerned, the petitioner must have received at the time of retirement.

On considering the rival submissions of the learned counsel on either side, I do not find any reason to give any direction to the respondent-Corporation, since the petitioner had retired from service during the pendency of the writ petition. It is also not brought to the notice of this Court as to the benefits extended to the petitioner. However, it is needless to say that if any of the benefits are

not extended to the petitioner consequent upon his retirement, it is always open to him to agitate his claim before appropriate forum. For the present, the cause in this writ petition does not survive for adjudication.

Accordingly, the Writ Petition is dismissed. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

8th December, 2017
rkk



JUSTICE ABHINAND KUMAR SHAVILI