

**THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR**

**WRIT PETITION No.12694 OF 2013**

**ORDER:**

This Writ Petition, under Article 226 of the Constitution of India, came to be filed seeking to declare the action of the respondents in not paying the retirement benefits and other arrears to the petitioner in pursuance to the order dated 02.08.2011 passed in W.A.No.1758 of 2004 as illegal and arbitrary.

Facts leading to filing of the writ petition are as follows:

Petitioner was appointed as conductor in the respondent-Corporation and his services were regularized in the year 1979. On 17.06.1990 while he was in bus service between Rayakode and Zaheerabad, found with some cash and ticket irregularities. As such, he was suspended from service and later he was removed from service vide order dated 21.12.1991. As against the same, he preferred an appeal, which was dismissed vide order dated 21.12.1991 confirming the order of removal. Questioning the same, the petitioner raised I.D.No.515 of 1992 (Old ID No.243 of 1992) before the Labour Court-II, Hyderabad. Vide Award dated 15.06.1994, the Labour Court directed the respondent-Corporation to reinstate the petitioner into service without break in service but without back wages. It was further directed that the petitioner shall be placed at the bottom of the seniority list of his cadre on such reinstatement. Aggrieved by the same, petitioner preferred W.P.No.24090 of 1995, which was dismissed on 16.04.2004. As against the said order, the petitioner preferred W.A.No.1758 of 2004, which was allowed by a Division Bench of this Court vide

judgment dated 02.08.2011 set aside the direction that the petitioner shall be placed at the bottom of the seniority list of his cadre on reinstatement. Thereafter, the petitioner retired from service on 30.04.2012. It is the grievance of the petitioner that without considering the order dt.02.08.2011 passed in W.A.No.1758 of 2004, the respondents have paid less benefits to him.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondent-Corporation.

As seen from the material on record, alleging disobedience of the order dated 02.08.2011 passed by the Division Bench of this Court in W.A.No.1758 of 2004, petitioner filed Contempt Case No.521 of 2016, which was closed by this Court vide order dated 19.12.2016. Relevant observations made by the Division Bench are extracted hereunder for better adjudication of the matter:

“In that view of the matter, we find no disobedience, much less wilful disobedience, to the order of this Court warranting exercise of contempt jurisdiction. In the event the petitioner has any grievance with regard to the calculation of the amounts due and payable to him pursuant to his being given the benefit of past service, he is at liberty to seek redressal of the same by way of separate proceedings as such a grievance cannot be addressed by this Court in contempt proceedings.”

A reading of the above order would show that in the event of the petitioner having any grievance with regard to calculation of the amounts due and payable to him, he was given liberty to initiate separate proceedings. In view of the same, the petitioner appears to have filed the present Writ Petition.

Learned Standing Counsel for respondent-Corporation would submit that the petitioner was paid Rs.22,619/- (Rupees Twenty Two Thousand Six Hundred and Nineteen only) towards settlement amount on difference of wages, gratuity and last salary on Fixation as ADC by way of cheque bearing No.529629 dated 04.08.2016. He placed on record, a copy of acknowledgment dated 05.08.2016 issued by the petitioner to that effect. Thus, he submits that the question of further payment of money would not arise.

But the petitioner is stated to have submitted a representation dated 14.08.2012 before the respondent authorities putting forth his grievance with regard to difference in payment of benefits. In that view of the matter, the third respondent is directed to consider the representation dated 14.08.2012 submitted by the petitioner, if the same is still pending consideration, and pass necessary orders thereon, in accordance with law, as early as possible, preferably within a period of six weeks from the date of receipt of a copy of this order.

Accordingly, the Writ Petition is disposed of. No costs.

Miscellaneous Petitions pending in this petition, if any, shall stand closed.

---

**JUSTICE C. PRAVEEN KUMAR**

18.04.2017  
sur