

HON' BLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No. 26315 of 2017

ORDER:

Heard the learned counsel for the petitioners and the learned standing counsel for the respondents.

2. In spite of giving several opportunities, no counter was filed by the respondents. Hence this court, in view of the Order passed by this Court earlier, inclined to dispose of this writ petition at the admission stage.

3. The brief facts of the case are that the petitioners herein were initially appointed as contract Drivers by the respondents' corporation during the years 2005 to 2009. While so, their services were terminated due to the alleged disciplinary cases, after conducting enquiry. However, in the appeals preferred by the aggrieved parties, the appellate authority passed an order directing them to reinstate as fresh candidates without giving benefit of continuity of service between the date of termination of their services and the date of their reinstatement. Challenging the same, the petitioners herein filed WP No.3473 of 2011 and other writ petitions. This court allowed the said writ petitions by order dated 18.2.2011 and on other different dates. While allowing the said writ petition, this Court held that the petitioners therein are entitled to continuity of service between the date of termination and the date of re-engagement on the condition that they are not entitled to monetary and other benefits. Subsequently, the respondent-authorities regularized the services of the petitioners by Order dated 10.10.2011 as Drivers, Grade-II with effect from 01.01.2010. It is stated that mis-interpreting the orders of this court, one increment was not granted to the petitioners. When similarly situated persons approached this Court and filed WP No.25422 of 2016, this court allowed the said writ petition by order dated 16.11.2016 with the following observations:

“11. *The obvious intention of the order of the High Court was that the petitioners would not be able to claim salary, for the period between the date of their termination and the date of their re-engagement. It was not the intention of the High Court when it passed the order in the above writ petitions that the services of the petitioners from 01.10.2010 cannot be counted for grant of increment on 01.01.2011.*”

4. In the light of the above observations and in view of the facts and circumstances of the case, this court inclined to extend the same benefit to the petitioners herein in terms of the order dated 16.11.2016 passed in WP No.25422 of 2016.

5. Accordingly, the writ petition is allowed. No costs. Miscellaneous Petitions, if any, pending in this Writ Petition shall stand dismissed.

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO, J

Dt.03.11.2017
mjl

