

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No. 36710 of 2017

Order:

The petitioner was appointed as sub-staff with effect from 04.11.1981 and his services were confirmed with effect from 04.02.1982. Though the petitioner was transferred from Tarnaka to Zonal Office, Hyderabad, he did not report for duty in spite of issuance of press notification on 17.11.1993 advising the petitioner to report for duty. In view of the same, an order was passed on 05.01.1994 holding that the petitioner was deemed to have voluntarily retired from service of the Bank with effect from 17.12.1993. Challenging the same, the petitioner approached the Labour Court in I.D.No.144 of 1995 and the Labour Court passed an award on 20.07.1998 allowing the application of the petitioner and setting aside the said order. The Labour Court ordered the respondents to reinstate the petitioner into service with continuity of service, attendant benefits and full back wages. Against the said award dated 20.07.1998, the respondents filed W.P.No.3989 of 1999 and this Court, by order dated 22.07.2005, modified the award as follows.

“The 2<sup>nd</sup> respondent is entitled for reinstatement with continuity of service, other attendant benefits and 25% of back wages. However, the petitioner-management shall not proceed against the 2<sup>nd</sup> respondent for his absence for the relevant period.”

The petitioner was reinstated into service on 13.03.1999 and retired from service on 31.08.2017. He submitted a representation on 07.07.2017 seeking sanction of privilege leave and casual leaves as per the orders of this Court and the respondents passed an order on 13.07.2017 stating that leave is not automatic and it has to be earned by an employee by actually serving the employer. Challenging the said order, the present Writ Petition is filed.

The dispute appears to be with regard to entitlement of the petitioner for the attendant benefits granted in the award and modified by this Court and pursuant to the reinstatement into service on 13.03.1999 and retirement on 31.08.2017. The representation of the petitioner is not specific and it is vague and similarly the reply is also vague.

In view of the same, this Writ Petition is disposed of at the admission stage giving liberty to the petitioner to submit fresh representation giving details as to his entitlement with specific dates and, if necessary, by quoting the relevant rules and, after submitting such representation, the respondents shall pass a reasoned order without having regard to the impugned order dated 13.07.2017. There shall be no order as to costs.

As a sequel thereto, the miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

Date: 02.11.2017  
Nsr

A. RAMALINGESWARA RAO, J



HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO



Date: 02.11.2017

Nsr