

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.7804 of 2004

ORDER:

This writ petition is filed seeking to issue a writ of Mandamus to declare the action of the respondents in not protecting the pay of the deceased 1st petitioner at Rs.7422/- while absorbing him under the respondents and not taking into consideration his total length of service from 3.7.1981 for the purpose of service benefits including retiral benefits and pay fixation, as arbitrary and illegal. A consequential direction to protect the last pay drawn by the 1st petitioner while absorbing him under the respondents and grant all consequential benefits is also sought

Heard Sri V.Raja Gopal Reddy, learned counsel for the petitioners and Sri P.Sri Raghu Ram, learned counsel for the respondents.

It is contended by the petitioners that the deceased 1st petitioner was appointed as Driver on 3.7.1981 in the Andhra Pradesh State Non-Resident Indian Investment Corporation Limited and after putting considerable length of service, he was sent on deputation to work as driver in the Andhra Pradesh Electricity Regulatory Commission. While working on deputation, he was absorbed in the A.P. Electricity Regulatory Commission vide orders dated 10.6.1999. The grievance of the petitioners is that while absorbing the 1st petitioner in the A.P. Electricity Regulatory Commission, his last pay was not protected and the service rendered by him in the erstwhile Corporation was not taken

into consideration. Therefore, he submitted representations on 8.1.2003 and 8.4.2003 to the Director and also to the Chairman and Members of A.P. Electricity Regulatory Commission but the same were not disposed of.

Learned counsel for the petitioners brought to the notice of this Court that during the pendency of this writ petition, the 1st petitioner died on 22.4.2014 and his legal representatives were brought on record vide orders dated 19.7.2017.

Learned counsel appearing for the respondents would contend that an offer was made to the deceased 1st petitioner before absorbing him in the A.P. Electricity Regulatory Commission and he had accepted the terms and conditions of absorption and having been absorbed, he cannot turn around and say that his pay was not protected.

Having considered the submissions made by the parties, this Court is of the considered view that without expressing any opinion on merits of the case, this writ petition can be disposed of directing the respondents to dispose of the representations of the 1st petitioner.

Accordingly, the Writ Petition is disposed of directing the respondents to dispose of the representations of the deceased 1st petitioner dated 8.1.2003 and 8.4.2003 within a period of eight weeks from the date of receipt of a copy of this order.

Miscellaneous petitions pending, if any, shall stand closed.
No order as to costs.

ABHINAND KUMAR SHAVILI, J

Date: 27/07/2018

lkv

