

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 18748 of 2011

ORDER:

This writ petition is filed seeking to issue a writ of mandamus declaring the action of the respondents in not paying wages for out of employment period while reinstating the petitioner into service vide proceedings dated 12.10.2004, as illegal and arbitrary.

Heard Sri S.M. Subhan, learned counsel for the petitioner, and Sri N. Vasudeva Reddy, learned standing counsel for TSRTC appearing on behalf of the respondents.

The case of the petitioner is that he was reinstated into service as Shramik vide proceedings dated 12.10.2004, but he was not extended the service benefits for out of employment period. His grievance is that though he submitted a representation to the respondent corporation on 28.03.2007 to this effect, they have not passed any orders on his representation so far.

Learned standing counsel appearing on behalf of the respondent corporation has contended that taking a lenient view the corporation had reinstated the petitioner into service, that the moment the petitioner was medically fit to be appointed as Shramik, he was appointed as such and, therefore, the question of extending benefits for out of employment period during which he was medically unfit

would not arise, and that the writ petition is devoid of merits and the same is liable to be dismissed.

This Court, having considered the submissions made by the parties, is of the considered view that ends of justice would be met if a direction is given to the respondent corporation to dispose of the representation of the petitioner dated 28.03.2007 and pass appropriate orders thereon.

Accordingly, the writ petition is disposed of directing the respondent corporation to dispose of the representation of the petitioner dated 28.03.2007 and pass appropriate orders. The petitioner is also permitted to submit a fresh representation within a period of two weeks from the date of receipt of a copy of this order and upon receiving such representation, the respondent corporation shall consider and pass appropriate orders thereon within four weeks thereafter.

Consequently, miscellaneous petitions, if any, pending in the writ petition shall stand closed. No order as to costs.

ABHINAND KUMAR SHAVILI, J

3rd October, 2018
cbs

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(disposed of)

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