

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 14409 of 2002

ORDER:

This writ petition is filed seeking to issue a writ of mandamus directing the respondents to pay the arrears of salary for the period from 23.11.1992 to 11.11.1994 along with other incidental and consequential benefits to the petitioner without reference to the suspension or removal.

Heard Ms. A. Bala Bharathi, learned counsel for the petitioner and Sri P. Durga Prasad, learned standing counsel for the respondent corporation.

It has been contended by the petitioner that he was appointed as conductor in the respondent corporation in the year 1990. While he was discharging his duties, he was placed under suspension from 02.12.1992 to 11.11.1994 on the ground that he was involved in a criminal case. He was convicted by the Assistant Sessions Judge, Kavali in S.C.No.23 of 1994 vide judgment dated 13.05.1994 and based upon the conviction, he was removed from service on 11.11.1994. Aggrieved by the conviction, he preferred an appeal in CrI.A.No.42 of 1994 on the file of the Sessions Judge, Nellore, and the same was allowed setting aside the order of conviction vide judgment dated 06.01.1999. Consequent upon his acquittal in the criminal case, he was reinstated into service on 15.07.1999. His grievance is that though he is entitled for the arrears of salary for the

period from 23.11.1992 to 11.11.1994 along with other incidental and consequential benefits, the respondent corporation is not releasing the same. The same is questioned in this writ petition.

Learned standing counsel for the respondent corporation has contended that the petitioner is not entitled for arrears of salary as he was placed under suspension and subsequently removed from service and finally he was reinstated into service consequent upon his acquittal in the criminal case and there are no merits in the writ petition and the same is liable to be dismissed.

This Court, having considered the submissions made by the learned counsel for the parties and perused the record, is of the considered view that ends of justice would be met, if the writ petition is disposed of directing the petitioner to submit a representation to the respondents seeking payment of arrears of salary.

Accordingly, the writ petition is disposed of directing the petitioner to submit a representation to the respondents seeking payment of arrears of salary, within two weeks from the date of receipt of a copy of this order and upon receiving such representation, the respondents shall consider the same and pass appropriate orders, in accordance with the rules, 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

10th December, 2018
cbs

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Writ Petition No. 14409 of 2002
(disposed of)

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