

HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.3035 OF 2004

ORDER:

1. This writ petition is filed seeking to issue a writ of Mandamus declaring the proceedings issued by the 3rd respondent dated 20.4.2002 as illegal and arbitrary; consequently, to set aside the same and to direct the respondents more particularly, the 3rd respondent to fix the seniority of the petitioner with effect from 31.1.1995 when his services were regularized as last grade service even though he is discharging his functions as typist for the purpose of seniority and other incidental service benefits.

2. Heard Sri S. Jagadish, learned Counsel for the petitioner; Sri V. Venugopala Rao and Sri V.T.M. Prasad, on behalf of the respondents.

3. It is the case of the petitioner that he was initially appointed as NMR on 15.9.1989 in the 4th respondent-temple. When the vacancy arose in the cadre of clerk, his case was considered and he was absorbed as typist on 31.1.1995 vide resolution dated 29.4.1994. While the petitioner was discharging his duties the respondents issued proceedings dated 20.4.2002 proposing to take

away the benefit of absorption in the post of typist on the ground that initial appointment of the petitioner itself is irregular. Challenging the same, the present writ petition is filed.

4. Learned Counsel for the petitioner contends that the petitioner was continued as typist during the pendency of this writ petition and he was also promoted to the next higher post of Senior Assistant on 23.4.2018, and now, the only grievance of the petitioner is that the respondents are not counting the earlier services of the petitioner for the purpose of seniority in the cadre of Typist as well as Senior Assistant.

5. The learned Counsel appearing for the respondents contends that appropriate orders would be passed in respect of seniority of the petitioner.

6. This Court having considered the rival submissions made by the parties is of the view that this writ petition can be disposed of directing the petitioner to submit a representation afresh to the respondents concerned in respect of seniority and re-fixation of his pay, within a period of two weeks from the date of receipt of a copy of

this order. Upon such representation being made, the respondents concerned shall consider the same and pass appropriate orders.

7. Accordingly, the Writ Petition is disposed of directing the petitioner to submit a representation afresh to the respondents concerned in respect of seniority and re-fixation of his pay, within a period of two weeks from the date of receipt of a copy of this order. Upon such representation being made, the respondents shall consider the same and pass appropriate orders, within a period of four weeks thereafter, in accordance with the rules. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.



(ABHINAND KUMAR SHAVILI, J)

Dated: 13th November, 2018
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HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.3035 OF 2004



Dated: 13.11.2018

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