

HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.26265 OF 2005

ORDER:

1. This writ petition is filed seeking to issue a writ of Mandamus declaring the action of the respondents in omitting the past services rendered by the petitioners in V.P.T. Educational society for the purpose of seniority and fixation of pay scales in pursuance of the directions of this Court dated 20.12.2004, while passing resolution No.38/2005 dated 4.6.2005, as illegal and arbitrary, and consequently, to direct the respondents to fix seniority and pay scale of the petitioners by taking into account their past services in V.P.T. Educational Society and pay arrears accordingly.

2. Heard Sri Vedula Srinivas, learned counsel for the petitioners and Sri P. Sri Raghu Ram, learned Standing Counsel for the respondents.

3. It is the case of the petitioners that initially, they were appointed in Visakhapatnam Port Trust Educational society and they have rendered considerable length of service. The petitioners were transferred to Dock Labour Board. While deploying the petitioners, their services in Visakhapatnam Port Trust Educational Society were not taken into consideration for the purpose of seniority and fixation of pay scales. Then, the

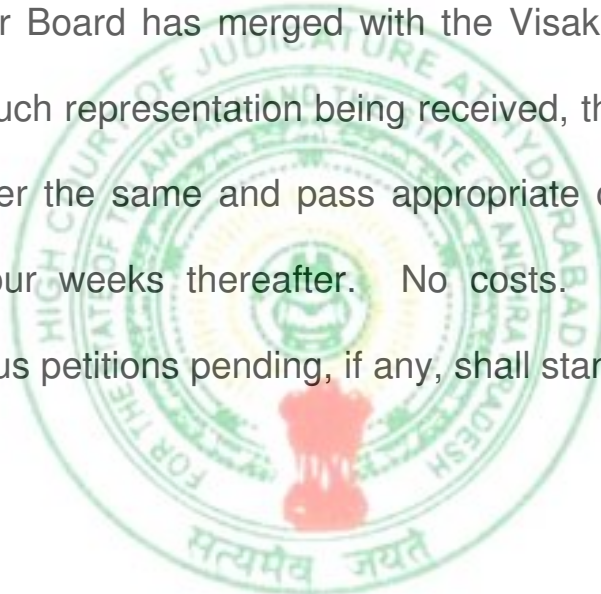
petitioners filed W.P.No.20563 of 2004 and its batch contending that services rendered by them in Visakhapatnam Port Trust Educational Society should be taken into account while fixing the seniority and pay scales. The said writ petitions were disposed of vide order dated 20.12.2004 directing the respondents to consider the case of the petitioners for extending the pay scales as applicable to the employees of Visakhapatnam Dock Labour Board, within a period of four months. In pursuance of the said orders, the respondents passed a resolution bearing No. 38/2005 dated 4.6.2005. In the said resolution, no relief was granted to the petitioners. Challenging the same, the present writ petition is filed.

4. The learned Counsel for the petitioners contends that appropriate orders be passed in this writ petition directing the respondents to count the earlier services rendered by the petitioners in VPT Educational Society while fixing seniority and pay scales.

5. The learned Standing Counsel for the respondents contends that the respondents have rightly considered the case of the petitioners and passed resolution No.38/2005 dated 4.6.2005, and that they have not committed any illegality. He further contends that the Dock Labour Board has merged with the Visakhapatnam Port Trust on 26th September, 2008, and as on today Dock Labour Board is not in existence.

6. Having considered the rival submissions made by the parties, this Court is of the view that this writ petition can be disposed of directing the petitioners to submit a fresh representation to the respondents regarding their claim.

7. Accordingly, the Writ Petition is disposed of directing the petitioners to submit a fresh representation to the respondents regarding their claim, within a period of two weeks from the date of receipt of a copy of this order, in view of the fact that Dock Labour Board has merged with the Visakhapatnam Port Trust. On such representation being received, the respondents shall consider the same and pass appropriate orders within a period of four weeks thereafter. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.



JUSTICE ABHINAND KUMAR SHAVILI

Dated: 29.11.2018.
Nn.

HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

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29/11/2018

Nn.