

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.25655 OF 2008

ORDER

This writ petition is filed seeking the following relief:

“..to issue an order, direction or writ more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in issuing the proceedings No.L1/785(32)/205-RM:WG, dated 13.03.2008 rejecting the case of the petitioner as the same illegal, arbitrary and unjust and consequently set aside the same by directing the respondents to pay the service benefits including salary by treating the petitioner's service as continuous w.e.f 15.06.1993 to 24.07.1997 to the petitioner and pass such further other order or orders as this Hon'ble Court may deem fit and proper the circumstances of the case.”

Heard Sri G.Ravi Mohan, learned counsel appearing for the petitioner, and Sri S.V.Ramana, learned Standing Counsel appearing for the respondent-Corporation.

It is the case of the petitioner that he was appointed as Driver in the respondent-Corporation on 10-3-1977 and was discharging his duties as such. While so, during the course of medical check up, he was found unfit to the post of A1-Category Driver due to defective distant vision. Hence, he made a representation seeking alternative employment. The same was considered and he was given alternative employment as Shramik on 8.8.1997.

The grievance of the petitioner is that he is entitled to the benefits for the service rendered by him from the date on which he was declared as medically unfit till his alternative employment as Shramik on 8.8.1997 and that the said period shall be treated as on duty for all purposes including salary and other benefits, but the respondents have erroneously rejected his case *vide* order dated 13.3.2008. Challenging the same, the present writ petition is filed.

Learned counsel appearing for the petitioner contends that the respondents have delayed in giving alternative employment to the petitioner for which he is not responsible and that for all purposes, it should be deemed that he is in service from 15.06.1993 to 24.07.1997.

Learned Standing Counsel appearing for the petitioner contends that the case of the petitioner was considered for alternative employment as and when vacancy had arisen in the post of Shramik and that no illegality has been committed by the respondent-Corporation and therefore, the question of extending the service benefits for the period he was out of employment from 15.06.1993 to 24.07.1997 does not arise and the writ petition is liable to be dismissed.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the considered

view that ends of justice would be met if a direction is given to the petitioner to submit a representation to the respondent seeking benefits for the service rendered by him from 15.06.1993 to 24.07.1997.

Accordingly, the Writ Petition is disposed of directing the petitioner to submit a representation to the respondent-Corporation seeking benefits for the service rendered by him from 15.06.1993 to 24.07.1997. On receipt of such representation, the respondent-Corporation shall consider the same and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

5th October, 2018

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