

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.16010 OF 2003

ORDER

This writ petition is filed seeking the following relief:

“... to issue a Writ of Mandamus or any other appropriate writ, order or orders direction or directions declaring the action of the respondent in not paying various service benefits like bonus, privilege leave, leave pay concession, graduation increments, stagnation increments etc., to the petitioner as arbitrary and violative of Article 16 of the Constitution of India and to issue a consequential direction to the respondent to pay the service benefits like bonus, privilege leave, leave pay concession graduation increments, stagnation increments etc., to the petitioner in accordance with the Rules and pas such other order or orders as this Hon”ble Court may deem fit and proper in the circumstances of the case.”

Heard Sri Vedula Srinivas, learned counsel appearing for the petitioner, and Sri K.Srinivasa Murthy, learned Standing Counsel appearing for the respondent-Bank.

It is the case of the petitioner that he was appointed as a Cashier in the respondent-Bank during the period from 20-07-1967 to 30-09-1969, on temporary basis. Thereafter, his services were terminated in the month of September, 1969. Aggrieved thereby, the petitioner has raised I.D.No.26 of 1984 before the Industrial Tribunal. The Tribunal *vide* order dated 23.12.1985 directed the respondent to reinstate the petitioner into service with full back wages. Challenging the same, the

respondent-Bank filed W.P.No.220 of 1987 and the same was dismissed by this Court on 02.02.1993. Aggrieved by the same, the respondent-bank preferred W.A.No.377 of 1993 before a Division Bench of this Court. The Division Bench *vide* order dated 28.4.1993 modified the award passed by the Tribunal to some extent and the petitioner was directed to be reinstated as temporary Cashier with effect from 30-09-1969, but the back wages were directed to be paid from 16.01.1976. Accordingly, the petitioner was reinstated into service and on attaining the age of superannuation, he had retired from service in the year 2005. When the service benefits were not paid, the petitioner filed the present writ petition.

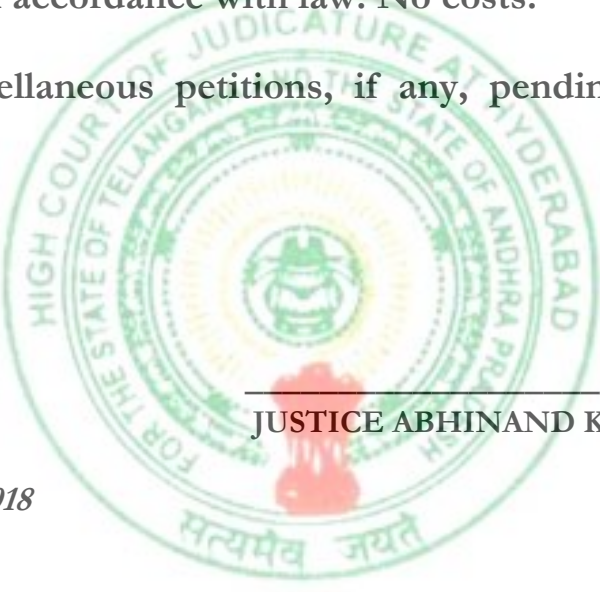
Learned counsel appearing for the petitioner submits that the respondent-Bank is not paying the service benefits i.e., bonus, privilege leave, leave pay concession, graduation increments, stagnation increments etc., to the petitioner and therefore, the petitioner has submitted a representation to the respondent on 4.9.2000, but, so far no orders have been passed thereon.

Having regard to 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 representation afresh to the respondent-Bank.

Accordingly, the Writ Petition is disposed of. The petitioner is directed to submit a representation afresh to the respondent-Bank within a period of two weeks from the date of receipt of a copy of this order. On receipt of such representation, the respondent shall consider the same and pass appropriate orders within a period of four weeks thereafter, in accordance with law. No costs.

Miscellaneous petitions, if any, pending shall stand closed.



JUSTICE ABHINAND KUMAR SHAVILI

4th October, 2018
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