

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 14249 of 2008

ORDER:

This writ petition is filed seeking to issue a writ of mandamus declaring the action of the respondents in paying the pensionary/terminal benefits such as gratuity etc. on minimum pay scale of driver, as illegal and arbitrary. A consequential direction is also sought to the respondents to pay the pensionary/terminal benefits to the petitioner as per the revised pay scale 2001 by reckoning the past service rendered by him.

Learned counsel for the petitioner has contended that the petitioner was removed from service by the disciplinary authority vide proceedings dated 04.04.2001. Aggrieved thereby, the petitioner has unsuccessfully preferred an appeal and, thereafter, filed a review petition before the reviewing authority. The reviewing authority modified the order of removal to that of reinstatement and pay reduction to minimum for a period of one year without cumulative effect. During the currency of the said punishment period, the petitioner has become medically unfit to discharge his duties and he has to retire on medical grounds on 23.04.2002. The learned counsel further contended that the actual date of retirement of the petitioner is 30.06.2008 and that because of the currency of punishment, at the time of his retirement on medical grounds, the petitioner could not get full terminal benefits and he was also not paid additional monetary

benefit for taking retirement on medical invalidation ground. Therefore, the learned counsel prayed that ends of justice would be met, if the respondents reconsider the case of the petitioner and pass appropriate orders.

Learned standing counsel for the respondents has contended that all the benefits, to which the petitioner is entitled, were already paid to him, however, if any amounts are payable, the case of the petitioner will be considered by the respondents, if the petitioner submits a fresh representation.

This Court having considered the rival submissions made by the parties is of the considered view that the writ petition can be disposed of with a direction to the petitioner to submit a fresh representation to the respondents.

Accordingly, the writ petition is disposed of directing the petitioner to submit a fresh representation to the respondents 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 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

5th November, 2018
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(disposed of)

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