

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 24062 of 2002

ORDER:

This writ petition is filed seeking to issue a writ of mandamus declaring the action of the respondents in not releasing the pensionary benefits and gratuity of the petitioner by giving the benefits of increments for the period from 1981 to 1993, as illegal and arbitrary.

When the matter is taken up for hearing, learned counsel for the petitioner submits that the petitioner was initially appointed as electrician Grade-II in the year 1963 with the respondents and during the year 1981 he was absent from duties owing to ill-health and domestic problems. The disciplinary authority initiated disciplinary proceedings against the petitioner for unauthorized absence and removed him from service. Subsequently, the petitioner preferred an appeal and the appellate authority was pleased to consider the appeal and directed reinstatement of the petitioner into service vide orders dated 21.02.1991. It is further submitted that the petitioner had attained the age of superannuation on 31.05.2002. The grievance of the petitioner is that the respondents have not extended the increments for out of employment period and rejected his case vide orders dated 08.05.2002 on the ground that the SLP preferred by the respondent corporation before the Apex Court is pending. The counsel for the petitioner further submits that finally the Apex Court has decided the issue in *APSRTC Vs. Narsa Goud* (2003 (2) SCC 212) and contends

that the case of the petitioner deserves to be considered in view of the law laid down by the Apex Court in the said case.

Learned standing counsel for the respondent corporation contends that the case of the petitioner will be considered in terms of the judgment rendered by the Apex Court in the above case and appropriate orders would be passed.

This Court having considered the rival submissions made by the parties is of the considered view that the writ petition can be disposed of directing the petitioner to submit a representation to the respondents within two weeks from the date of receipt of a copy of this order and upon receiving such representation, the respondent corporation shall consider and pass appropriate orders in four weeks thereafter.

With the above direction, the writ petition is disposed of. Consequently, miscellaneous petitions pending in the writ petition, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

14th December, 2018
cbs

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Writ Petition No.24062 of 2002
(disposed of)

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