

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.30027 OF 2010

ORDER

This writ petition is filed seeking the following relief:

“...to issue a writ or order or direction more particularly one in the nature of Writ of Mandamus declaring that the action of the respondents in not paying all service benefits and not settling the pension of the petitioner is bad, arbitrary, illegal, unjust, unreasonable and consequently direct the respondents to pay all the service benefits to the petitioner by settling his pension treating his retirement as on medical grounds by extending the concerned benefits and pass such other order or orders.”

Learned counsel appearing for the petitioner contends that the disciplinary authority had imposed the major punishment of removal from service without conducting enquiry; that the appeal preferred by the petitioner was rejected; that the petitioner filed review before the reviewing authority; that the reviewing authority *vide* order dated 23.08.2007 modified the punishment and directed that the petitioner be reinstated into service as Driver by reducing his pay by two incremental stages for a period of two years with cumulative effect; that even before the petitioner was reinstated into service in pursuance of the said order, he was declared as medically unfit and consequently, he could not join the duty; that the petitioner submitted a representation on 8.7.2010 requesting the respondent-Corporation to settle his

terminal benefits as he is not in a position to rejoin the duty; and that so far no orders have been passed on the said representation.

Learned Standing Counsel appearing for the respondent-Corporation contends that appropriate orders will be passed on the said representation.

Having considered the rival submissions made by the learned counsel on either side, ends of justice would be met if a direction is given to the respondent-Corporation to consider the representation of the petitioner.

Accordingly, the Writ Petition is disposed of directing the respondent-Corporation to consider the representation dated 8.7.2010 of the petitioner and pass appropriate orders thereon 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

16th November, 2018
rkk

