

THE HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.2918 of 2004

ORDER

This writ petition is filed seeking a writ of mandamus to declare the action of the respondents in denying the promotion of the petitioner without assigning any reasonable ground and non-responding to his representation dated 04.10.2000 on the oral pretext of pendency of CBI case, which was ended with clear acquittal on 04.06.2002, as illegal and arbitrary and consequently, direct the respondents to fix the pay scales of the petitioner in the post of D.G.M. with effect from 1994 and as G.M. with effect from 1999 and to pay the arrears till 31.10.2000 i.e., the date of accepting V.R.S. by the petitioner.

2. Though the matter is listed under the caption "For dismissal", none appeared for the petitioner. Heard learned Standing Counsel for the respondents.

3. Learned Standing Counsel for the respondents contended that the petitioner was involved in C.C.No.4 of 1998 on the file of the Special Judge for C.B.I. Cases, Hyderabad, and later, he was acquitted vide order dated 04.06.2002. He further contended that the petitioner retired from service under Voluntary Retirement Scheme vide order dated 31.10.2000. He further contended that after knowing fully aware of the consequences of voluntary retirement scheme and also the entitlement of retiral benefits, he accepted the voluntary retirement and therefore, he should not be

given promotion as sought for and there are no merits in the writ petition and the same is liable to be dismissed.

4. This Court, having considered the said submissions, is of the considered view that since the petitioner retired from service under Voluntary Retirement Scheme, the relief sought for cannot be granted and there are no merits in the writ petition.

5. Hence, the Writ Petition is dismissed. No order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand dismissed.

27th November, 2018

sj

ABHINAND KUMAR SHAVILI, J

