

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P. No.20310 of 2009ORDER:

This writ petition is filed seeking a writ of mandamus, declaring the action of the 3rd and 2nd respondents in not computing the notional increments at the time of fixing his pay scales after reinstatement from his removal from service with effect from 27.04.1999 to 03.01.2007, as illegal, arbitrary and violative of the Award passed in I.D.No.4/ 2003, dated 06.07.2006 and consequently direct the respondents to grant the notional increments to the petitioner along with arrears.

2. Heard the counsel for the petitioner and the learned Standing Counsel.

3. The grievance of the petitioner is that the removal orders were set aside by the Industrial Tribunal, and the Tribunal directed the petitioner to be reinstated into service, with continuity of service and attendant benefits, however, without back wages. The contention of the petitioner is that as per circular dated 30.09.1999, he is also entitled for notional increments, but, the respondents have not considered his case, inspite of the Industrial Tribunal categorically holding that the petitioner is entitled for continuity of service and attendant benefits.

4. This Court, having considered the submissions made by both the parties, is of the considered view that this writ petition can be disposed of, directing the petitioner to submit a representation claiming the reliefs in terms of the circular dated 30.09.1999 and also the orders passed by the Industrial Tribunal in I.D.No. 4/ 2003, dated 6th July, 2006, and upon such a representation being received by the respondents, the

respondents shall consider and pass appropriate orders in another four weeks.

5. Accordingly, the writ petition is disposed of, directing the petitioner to submit a representation claiming the reliefs in terms of the circular dated 30.09.1999 and also the orders passed by the Industrial Tribunal in I.D.No. 4/2003, dated 6th July, 2006, and upon such a representation being received by the respondents, the respondents shall consider and pass appropriate orders in another four weeks. No order as to costs. Miscellaneous petitions pending, if any, stand closed.

Date: 29.10.2018
DMG



ABHINAND KUMAR SHAVILI, J