

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.7069 of 2002

ORDER:

This writ petition is filed seeking Mandamus declaring the action of the respondents in not fixing the pay consequent to the reinstatement of the petitioner as illegal and arbitrary and consequently to direct the respondents to fix the pay of the petitioner by duly taking the period from 30.12.1995 to 31.05.1998 as on duty as per the judgment in W.A.No.428 of 2001 dated 27.04.2001.

2. Heard Sri G. Vidyasagar, learned counsel for the petitioner and Sri K. Harinath, learned standing counsel for the respondent-Corporation.

3. It is the case of the petitioner that while he was working as Conductor, he was removed from service on 30.12.1985 in consequence of disciplinary action. Challenging the same, he filed I.D.No.609 of 1987 and the Labour Court vide order dated 31.05.1990 set aside the order of removal and directed that he be reinstated into service. Consequently, he was reinstated into service; however, his pay was not re-fixed in pursuance of the award passed by the labour Court. In those set of circumstances, he has filed the present writ petition.

4. This Court, vide order dated 21.01.2002, granted interim directions, directing the respondents to consider the representation of the petitioner and pass appropriate orders.

5. The learned standing counsel for the respondent-Corporation contends that the Labour Court has granted reinstatement with continuity of service only.

6. This Court, having considered the rival contentions of the parties, is of the considered view that if the representation submitted by the petitioner is disposed of in terms of the interim orders of this Court dated 21.01.2002 and if such orders are in favour of the petitioner, the cause in the writ petition does not survive. However, if orders are passed by the respondents rejecting the claim of the petitioner, it is always open for the petitioner to pursue his remedies as per law.

7. Subject to the above, the writ petition is disposed of. No order as to costs.

As a sequel, miscellaneous petitions, if any pending, shall stand closed.

ABHINAND KUMAR SHAVILI, J

July 26, 2018

MRR