

HON' BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P. No. 23822 of 2009

ORDER:-

This writ petition is filed for the following substantive relief:

“...to issue an order in the nature of Writ of Mandamus declaring action of the respondents in not paying terminal benefits to the petitioner from 1992 to 2005, as illegal and arbitrary and consequently direct the respondents to pay terminal benefits to the petitioner from 1992 to 2005 i.e. from the date of appointment till the date of reinstatement.”

Heard Sri G.V.Ravi Mohan, learned counsel for the petitioner and Sri N.Vasudeva Reddy, learned Standing Counsel for A.P.S.R.T.C. appearing on behalf of the respondents and perused the material placed on record.

The brief facts of the case are that the petitioner was appointed as Driver in the respondent-Corporation in the year 1981. While he was discharging his duties, he had indulged in a fatal accident and the respondents have initiated disciplinary proceedings against him, and after conducting detailed enquiry, the petitioner was removed from service in 1992. Thereafter, the petitioner unsuccessfully preferred an appeal and review, and subsequently, filed I.D.No. 5 of 1994, and the Labour Court-I, Hyderabad, by Award dated 04.02.1998, dismissed the I.D. Subsequently, the petitioner filed W.P.No. 33681 of 1998, and this Court, by order dated

07.07.2005, allowed the writ petition directing that the petitioner be reinstated into service with continuity of service but without back-wages and attendant benefits. In pursuance of this order, the petitioner was reinstated into service on 18.03.2006 and he retired in December, 2007 on attaining the age of superannuation. The petitioner's grievance is that though the writ petition filed by the petitioner was allowed directing the respondents to reinstate him with continuity of services without back-wages and attendant benefits, but the respondents have neither extended the benefit of continuity of service nor counted his service from 1992 to 2005 for the purpose of terminal benefits. Challenging the same, the present writ petition is filed

The learned counsel for the petitioner submits that in spite of the order passed by this Court in W.P.No. 33681 of 1998, the respondents have not extended the benefit of continuity of the petitioner's services for the purpose of terminal benefits. It is further contended that the petitioner submitted a representation dated 14.06.2009 requesting the respondents to pay terminal benefits for the services rendered by him by duly taking in account the orders passed in W.P.No. 33681 of 1998, but so far, the respondents have not considered the representation.

The learned Standing Counsel contends that since the petitioner's representation is pending with the respondents, the respondents would consider the same and pass appropriate orders, and if necessary, release pension benefits of the petitioner.

Having considered the rival submissions of the learned counsel for both the parties, this court is of the opinion that ends of justice would be met if the writ petition is disposed of directing the respondents to pay terminal benefits for the services rendered by the petitioner from 1981 to 2007 by duly taking in account the orders passed by this Court in W.P.No. 33681 of 1998 dated 07.07.2005 and pass appropriate orders, within a period of four weeks from the date of receipt of a copy of this order.

With the above observations, the writ petition is disposed of. No order as to costs.

As a sequel, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

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ABHINAND KUMAR SHAVILI, J

23-10-2018

bcj