

**HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI**

**WRIT PETITION No.18253 OF 2004**

**ORDER:**

1. This writ petition is filed seeking to issue a writ of Mandamus directing the respondents to fix the pay of the petitioner by allowing notional increments for out of employment period and pay arrears from the date of reinstatement.

2. Heard Sri P. Govinda Rajulu, learned Counsel for the petitioner and Sri A. Ravi Babu, learned Standing Counsel for the respondent-Corporation.

3. It has been contended by the petitioner that the respondents are not implementing the orders passed by the Labour Court in I.D.No.71 of 1995 dated 12.8.1997 in its true letter and spirit. It has further been contended that as per the award, the pay of the petitioner is to be fixed by taking into account the notional annual increments for out of employment period as on duty. Further, it is the grievance of the petitioner that the Labour Court passed orders way back in the year 1997, but the respondents have not complied with the said orders and during the pendency of the writ petition, the petitioner also retired from service, and therefore, a direction may be given to the respondents to consider the case of the petitioner for grant

of relief such as to fix the pay of the petitioner by allowing notional annual increments for out of employment period.

4. The learned Standing Counsel for the respondent-Corporation contended that the respondents have implemented the orders passed by the Labour Court in I.D.No.71 of 1995, dated 12.8.1997, and there are no merits in this writ petition and therefore, the writ petition is liable to be dismissed.

5. This Court having considered the rival submissions made by the parties and the material on record, is of the view that this writ petition can be disposed of directing the petitioner to submit a representation to the respondents staking his claim.

6. Accordingly, the Writ Petition is disposed of directing the petitioner to submit a representation to the respondents staking his claim within two weeks from the date of receipt of a copy of this order. On such representation being made, the respondents are directed to consider the same and pass appropriate orders thereon, within a period of four weeks thereafter. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

**JUSTICE ABHINAND KUMAR SHAVILI**

Dated: 19<sup>th</sup> September, 2018.  
nn.

**HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI**

**WRIT PETITION No.18253 OF 2004**



**19/09/2018**

**Nn.**