

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.3090 OF 2008

ORDER:

Heard learned counsel for the petitioner and learned standing counsel for the respondents.

The petitioner was appointed as a Conductor in the respondent Corporation in the year 1990. When the petitioner was conducting a bus bearing No.2107 on route Nagalapuram to Nagari on 28.05.1997, a check was conducted and certain irregularities were noticed, and based on the same, a charge sheet was issued to the petitioner on 31.05.1997. After conducting enquiry, the services of the petitioner were terminated on 09.10.1997. Challenging the said order of termination, the petitioner preferred an Appeal and the said Appeal was rejected on 12.01.1998. Thereafter, he filed a Review Petition and the same was rejected on 09.03.1999. He filed I.D.No.93 of 1999 before the Labour Court, Ananthapur and the same was disposed of on 01.02.2002 directing the respondent Corporation to reinstate the petitioner as fresh Conductor and defer two annual increments with cumulative effect. Challenging that portion of the Award, the petitioner appears to have filed the writ petition and the same is pending. The petitioner was given an order of fresh appointment immediately in the year 2002 itself. The grievance of the petitioner now is that the petitioner is not being paid the annual increments for the last several years. Challenging the same, the present writ petition is filed.

No signed counter affidavit is filed before this Court, but when the matter is taken up for consideration, an unsigned copy of the counter affidavit is furnished to this Court. The unsigned copy of the counter affidavit does not traverse the averments made in the writ petition.

In the circumstances, the writ petition is allowed directing the respondents to fix the annual increments to the petitioner and fix the salary accordingly, and release all the benefits payable to the petitioner by virtue of his appointment as a fresh candidate in the year 2002 and pass appropriate orders in that regard within a period of three months from the date of receipt of copy of this order.

The writ petition is accordingly allowed. Consequently, miscellaneous petitions, if any pending, in this writ petition, shall stand closed. There shall be no order as to costs.

02.01.2018
pln

A.RAMALINGESWARA RAO, J

