

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.18201 of 2005

ORDER:

This Writ Petition is filed seeking a Writ of Mandamus declaring the action of the respondents in not protecting the last drawn scale of the petitioner while reinstating him into service as illegal and arbitrary and consequently direct the respondents to protect the last drawn scale of the petitioner while fixing the scale of the petitioner on reinstatement and to grant benefits and increments to the petitioner.

Heard Mr.G.Ravi Mohan, learned counsel for petitioner and Mr.Nandigama Krishna Rao, learned Standing Counsel for the respondents.

It has been contended by the petitioner that he was appointed as Shovel Operator Grade-C in the year 1976 and while he was discharging his duties, he was declared medically unfit on 03.01.2000 and thereafter he has submitted a representation to consider his case and continue him in service. The said representation of the petitioner was considered and the petitioner was reinstated into service on 06.01.2001.

The grievance of the petitioner is that while reinstating him, his last drawn pay was not protected. To that effect, he has submitted a representation to the respondents, but, the respondents have not passed any orders on the said representation nor resolved the issue raised by the petitioner.

Learned Standing Counsel appearing for the respondents has contended that as per the settlement, the scale of pay was extended to the petitioner on his reinstatement and no illegality has been committed by respondents. Therefore, there are no merits in the writ petition and the writ petition is liable to be dismissed.

This Court, having considered the rival submissions, is of the considered view that the writ petition can be disposed of by directing the petitioner to submit fresh representation, in addition to the representation, which he has already submitted to the respondents, within one week from the date of receipt of a copy of this order. Upon such representation being received, the respondents shall consider and pass orders in accordance with law within four weeks thereafter.

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

Pending miscellaneous petitions, if any, shall stand closed.

01-11-2018
Prv



ABHINAND KUMAR SHAVILI, J