

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.21651 of 2015

ORDER:

This writ petition is filed seeking to issue a writ of mandamus, declaring the action of respondent No.2 in not considering and passing appropriate orders on the proceedings of respondent No.3, dated 20.07.2007, 18.07.2008 and 04.03.2009, as illegal and arbitrary, and consequentially to direct respondent No.2 to consider the same along with the representations of the petitioner dated 04.08.2014 and 22.06.2015.

Heard Sri M.L.Ali, learned counsel for the petitioner and learned Government Pleader for Higher Education.

It has been contended by the petitioner that he was appointed as Record Assistant in the Library of respondent No.3 College on 02.07.1990 on permanent basis in aided post. While he was working as such, he has applied for leave on loss of pay for two years from 01.06.2002 to 31.05.2004 and again for another two years from 01.06.2004 to 31.05.2006 on domestic grounds. Respondent No.3 has sanctioned the said leave. The petitioner again extended his leave on loss of pay from 01.06.2006 to 31.05.2007 and the said leave was granted by respondent No.2. After expiry of leave, the petitioner did not report to join duty on 01.06.2007. According to the petitioner, as he met with an accident, he could not join duty till 20.07.2007. As the said period of absence was not condoned or sanctioned by respondent No.2, respondent No.3 did not allow the petitioner to assume charge. Respondent No.3 has recommended the case of the petitioner for sanction of leave from 01.06.2007 to 20.07.2007 to respondent No.2, but no orders have been

passed by respondent No.2. It has been further contended by the petitioner that he has made representations to the respondents on 04.08.2014 and 22.06.2015 in this regard, but the respondents have not passed any orders. In those set of facts, the present writ petition is filed.

Learned Government Pleader, appearing for respondents Nos.1 and 2 has sought time to get instructions as to ascertain the latest position and also to report the same.

This court, having considered the rival submissions of both the parties, without expressing any opinion on the merits of the case, inclined to dispose of the writ petition, directing respondent No.2 to pass appropriate orders on the proceedings issued by respondent No.3, dated 20.07.2007, 18.07.2008 and 04.03.2009 and on the representations of the petitioner dated 04.08.2014 and 22.06.2015, as per Rules and in accordance with law, within a period of 4 (four) weeks from the date of receipt of a copy of this order. If respondent No.2 has already passed orders in the subject matter, the same may be communicated to the petitioner.

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

Pending miscellaneous applications, if any, shall stand closed in consequence.

ABHINAND KUMAR SHAVILI, J

Date: 18.04.2018
Dsr