

HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.24190 OF 2003

ORDER:

1. This writ petition is filed seeking to issue a writ of Mandamus declaring the action of the 1st respondent in denying the past service of the petitioner while reinstating him into service vide proceedings dated 7.8.1997 and while setting aside the order of removal, as illegal and arbitrary, and consequently, to direct the respondents to regularize the services of the petitioner with effect from the date of his initial appointment.

2. Heard Sri S.M. Subhan, learned Counsel for the petitioner and the learned Standing Counsel for the respondents.

3. The learned Counsel for the petitioner contended that the petitioner is challenging the order of the reviewing authority dated 7.8.1997 only to the extent of denying continuity of service, back wages and other attendant benefits. He further contended that the reviewing authority was pleased to modify the order of removal to that of fresh appointment, which is not one of the punishments stipulated in the regulations.

4. Perusal of the order passed by the reviewing authority discloses that the petitioner was engaged as casual conductor and while he was discharging his duties as casual conductor,

his services were removed. The reviewing authority interfered with the punishment of removal by taking a lenient view and directed the respondents to reinstate the petitioner as fresh conductor. A casual employee on reinstatement or re-engagement will be taken as a fresh appointee as the regulations are not applicable in the case of casual employees. No illegality or irregularity has been committed by the reviewing authority in passing the impugned order. There are no merits in this writ petition.

5. Accordingly, the Writ Petition is dismissed. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.



JUSTICE ABHINAND KUMAR SHAVILI

Dated: 1.11.2018.
Nn.

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