

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.21239 OF 2010

ORDER

This writ petition is filed seeking the following relief:

“to issue a writ, order or directions more in the nature of Writ of Mandamus directing the respondents herein to re-fix the pay of the petitioner by allowing the notional, stagnation, and Grade-I increments by counting the continuity of service from the date of initial appointment to retirement (1987 to 30-07-09) including the continuity of service and attended benefits granted in I.D.No.379 of 2003, dated 28.4.1006 and pay (a) petitioner's retirement benefits (after deducting the amounts already paid) arrears in difference in payment of salaries from the date of reinstatement to date of retirement including EL amount and additional monetary benefits in place of employment with 18% interest in delay in payment from the date of retirement to till today (b) and further direct the respondents to pay salaries from the date to medical unfit to date of retirement i.e. 16.5.2009 to 30.07.2009 with 18% interest with all calculation particulars including, re-fixation of pay, retirement benefits calculation particulars etc., and pass such other order, or orders in the interest of justice as otherwise the petitioner may suffer irreparable loss and hardship.”

Heard Sri P.Govinda Rajulu, learned counsel appearing for the petitioner, and Sri A.Rama Rao, learned Standing Counsel appearing for the respondent-Corporation.

It is the case of the petitioner that he was appointed as a Driver in the respondent-Corporation in the year 1987 and was discharging his duties as such. While so, he was removed from service *vide* proceedings dated 21.1.2003 on the

allegation of cash and ticket irregularities. Aggrieved by the same, he filed I.D.No.379 of 2003 before the Labour Court, Ananthapur, and the same was allowed in part on 28-4-2006. Pursuant thereto, he was reinstated into service. Challenging the Award passed by the Labour Court, he approached this Court and filed W.P.No.26542 of 2006. This Court *vide* order dated 1.7.2017 dismissed the said writ petition confirming the order passed by the Labour Court. Hence, the present writ petition.

Learned counsel appearing for the petitioner submits that when the petitioner was removed from service on 21.1.2003, the respondent-Corporation had settled the terminal benefits; that pursuant to the Award passed by the Labour Court, he was reinstated into service, with continuity of service and other benefits; that thereafter, he retired from service on medical grounds; and that the petitioner is entitled to the benefits for the service rendered by him from 1987 to 30-07-2009, but the respondent-Corporation had not paid the said benefits after retirement on the ground that the petitioner has not refunded the amounts, which he has taken towards terminal benefits at the time of removal.

Learned Standing Counsel appearing for the respondent-Corporation contends that as per the Circular

dated 30-11-1996, if an employee receives terminal benefits and again reinstated, the employee should refund the terminal benefits, then only the retiral benefits will be paid, but the petitioner had not refunded the terminal benefits received by him.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the considered view that the petitioner is entitled to the benefits for the service rendered by him from 1987 to 30-07-2009 with all consequential benefits.

Accordingly, the Writ Petition is disposed of directing the respondent-Corporation to adjust the terminal benefits, which were already paid to the petitioner at the time of his removal, and pay the remaining arrears to the petitioner, within a period of four weeks from the date of receipt of a copy of this order. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

5th October, 2018:

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