

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI**WRIT PETITION No. 44153 OF 2018****ORDER :**

This Writ Petition is filed seeking to issue a Writ of Mandamus declaring the inordinate delay on the part of the respondents in releasing the retiral benefits of the petitioner in terms of Labour Court Award in ID. No.89 of 2001, dated 22.6.2004 read with the judgment of this Hon'ble Court in WP No.2977 of 2006, dated 26.11.2015 and inaction of the respondents in disposing of the petitioner's representation dated 7.6.2018 pending with the respondents as illegal, arbitrary and seeking a consequential direction to comply with the Award passed by the Labour Court while paying interest from 2004.

2. Heard Mr.S.Tulasi Das, Counsel for the petitioner and Mr.N.Vasudeva Reddy, Standing Counsel for the respondents-Corporation.

3. It has been contended by the petitioner that he was initially appointed as Driver on 26.03.1991 on daily wage basis. The petitioner further contended that his services were regularized with effect from 1.4.1992. The Counsel for the petitioner submits that the petitioner was removed from service on 26.2.1993 as a disciplinary measure, for causing fatal accident. The petitioner further submits that challenging the removal orders, the petitioner filed ID No.89 of 2001 under Section 2.A(2) of Industrial Disputes Act and the Industrial Tribunal, vide orders dated 22.6.2004 was pleased to modify the punishment of removal to that of compulsory retirement. The Counsel for the petitioner further submits that challenging the orders passed by the Industrial Tribunal, the respondents have filed WP No.2977 of 2006 and this Hon'ble Court was pleased to dismiss the said Writ Petition, vide

orders, dated 26.11.1995, confirming the orders passed by the Labour Court. The only grievance of the petitioner is that the respondents are not settling the terminal benefits of the petitioner and to that effect the petitioner submitted a representation to the respondents on 7.6.2018 and, so far, the respondents did not pass any orders on the said representation.

4. The Standing Counsel for the respondents-Corporation submits that the petitioner has rendered hardly 10 years of service with the respondents and the petitioner is not entitled for any benefits and more over this Hon'ble Court, while dismissing the Writ Petition, preferred by the respondents i.e., W.P.No.2977 of 2006, dated 26.11.2015, had categorically held that all the benefits were paid to the petitioner and no benefits are liable to be paid to the petitioner. There are no merits in the Writ Petition and the Writ Petition is liable to be dismissed.

5. This Court, having considered the rival submissions made by both the parties is of the considered view that the ends of justice would be met, if the Writ Petition is disposed of directing the 4th respondent to consider the representation of the petitioner, dated 7.6.2018 and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order.

6. With this observation, Writ Petition is disposed of.

7. The Miscellaneous Petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

6th December, 2018

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