

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 44500 OF 2018

ORDER :

This Writ Petition is filed seeking to issue a Writ of Mandamus declaring the action of the respondents in not settling the petitioner's service benefits for the period he worked from 21.06.1988, till he was removed from service in April 2016 in not counting the forced retirement period for the purpose of notional increment, and Earned Leaves etc., in not depositing the deducted amount along with employer contribution in his P.F. account as illegal, and in violation of statutory provision as well as Art. 14, 21 & 300A of the Constitution of India and consequently direct the respondents to pay his service benefits for the service he put-in duly counting the forced retirement period for the notional increments, seniority and Earned Leaves etc.

2. Heard Mr.V.Narasimha Goud, Counsel for the petitioner and Mr.S.V.Ramana, Standing Counsel for the respondents.

3. It has been contended by the petitioner that he was appointed as a Security Guard on 21.06.1998 on regular basis and he worked continuously upto May, 2009. The Counsel for the petitioner submits that the petitioner was made to retire from service prematurely with retrospective effect from 26.05.2010, vide orders dated 22.02.2009. Questioning the said action of the respondents, the petitioner has filed Writ Petition No. 20980 of 2010 before this Hon'ble Court and this Hon'ble Court was pleased to allow the Writ Petition on 25.09.2013, directing the respondents to provide alternative

employment and further directing the respondents to pay wages from the date on which the petitioner was retired from service prematurely on 26.05.2009 together with continuity of service and other attendant benefits. Thereafter, the Corporation has preferred Writ Appeal against the orders passed in the Writ Petition by filing Writ Appeal No.1384 of 2014 and the said Writ Appeal was partly allowed, vide orders dated 26.09.2014, modifying full wages to that of 50% and the rest of the order made in the Writ Petition was upheld. Thereafter, when the respondents have not considered the case of the petitioner, the petitioner was constrained to file CC No.671 of 2014 for not implementing the orders passed by this Hon'ble Court. Only after filing the CC., the petitioner was given alternative employment of Shramik, vide orders dated 5.6.2015. The grievance of the petitioner is that the respondents have not complied with the orders passed by the Division Bench of this Court and they have not paid the salaries as directed by this Court and to that effect, the petitioner has submitted a representation to the respondents on 21.10.2017. But, so far, the respondents have not passed any orders on the said representation.

4. The Standing Counsel appearing for the respondents contends that appropriate orders would be passed on the representation submitted by the petitioner.

5. This Court, having considered the rival submissions made by both the parties is of the considered view that this Writ Petition can be disposed of directing the petitioner to submit a fresh representation in addition to the representation, which was filed earlier, within a period of two weeks from the date of receipt of a copy of this order and upon such representation being

received, the respondents shall consider and pass appropriate orders in accordance with law in four weeks thereafter.

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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