

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.45491 OF 2018

ORDER

This writ petition is filed seeking the following relief:

“...to call for the records from the respondents and issue an appropriate writ, order or directions particularly one in the nature of Writ of Mandamus, declaring that the action of the respondent-Corporation in not considering the case of the petitioner for promotion to the post of Asst. Depot Clerk/Controller on the basis of seniority and withholding increments of the petitioner for the year 2016-17, 2017-18, without any valid reasons as illegal, unjust, contrary to law, arbitrary, discriminatory and violative of Articles, 14, 16 and 21 of the Constitution of India and grant all consequential benefits”.

Heard Sri A.K.Jaya Prakash Rao, learned counsel appearing for the petitioner and Sri N.Vasudeva Reddy, learned Standing Counsel appearing for the respondent-Corporation.

It is the case of the petitioner that initially, he was appointed as Casual Conductor in the year 1989 in the respondent-Corporation and his services were regularized. Thereafter, he was removed from service vide proceedings dated 27.01.2014 for cash and ticket irregularities. Challenging the order of removal, the petitioner had approached the Additional Industrial Tribunal-cum-Additional Labour Court, Hyderabad and filed I.D.No.22 of 2014. The Tribunal *vide*

Award dated 7.4.2016 allowed the said ID by setting aside the order of removal and directing the respondent-Corporation to reinstate the petitioner into service with continuity of service, without back wages.

Learned counsel appearing for the petitioner submits that though the petitioner was reinstated into service, the respondents are not extending the increments to him and that appropriate orders be passed directing the respondent-Corporation to consider the case of the petitioner for promotion to the post of Assistant Depot Clerk based on seniority and also release increments to him.

Learned Standing Counsel appearing for the respondent-Corporation submits that the case of the petitioner will be considered and appropriate orders will be passed, in accordance with Rules.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the considered view that ends of justice would be met if a direction is given to the petitioner to submit a representation afresh to the respondent-Corporation.

Accordingly, the Writ Petition is disposed of directing the petitioner to submit a representation afresh to the 4th respondent within a period of two weeks from the date of

receipt of a copy of this order and on receipt of such representation, 4th respondent shall consider the same and pass appropriate orders within a period of four weeks thereafter. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

14th December, 2018
rkk

