

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.28629 of 2017

ORDER:

With the consent of both parties, this writ petition is being disposed of at the admission stage.

This writ petition is filed seeking a writ of Mandamus, declaring the action of the 3rd respondent in not fixing the pay of the petitioner as per the calculation sheet dated 24.06.2017, as illegal, arbitrary and contrary to the APSRTC Employees (Service) Regulations and sought a consequential direction to the respondents to fix the pay of the petitioner as per the calculation sheet.

Heard the learned counsel for the parties.

It has been contended by the petitioner that initially he was appointed as a Conductor in the year 1986 and later on promoted to the post of ADC/Controller. Subsequently, he was further promoted to the post of DC/TI-III. The petitioner submits that the respondents passed orders dated 15.05.2017 for recovery of an amount of Rs.3,81,381/-, towards excess payment of wages, from the petitioner. The grievance of the petitioner is that as the respondents have not properly fixed his pay, he has submitted a representation, along with calculation sheet, to the 3rd respondent on 24.06.2017 requesting to fix his pay as per the calculation sheet. It is also stated that challenging the order dated 15.05.2017, the petitioner has preferred an appeal to the appellate authority during December, 2018 and the same is pending before the appellate authority.

Learned counsel for the petitioner submits that appropriate orders be passed in the writ petition directing the appellate authority to pass appropriate orders on the appeal preferred by the petitioner.

Learned standing counsel appearing for the respondents had submitted that the case of the petitioner would be considered by the appellate authority and appropriate orders would be passed on the appeal preferred by the petitioner, in accordance with law.

This Court, having considered the rival submissions of the learned counsel for the parties, is of the considered view that this writ petition can be disposed of directing the appellate authority to consider the appeal preferred by the petitioner and pass appropriate orders, in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

With the above observations, the writ petition is disposed of. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

20th June 2019
v v