

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.2033 of 2019

ORDER :

This writ petition is filed seeking Writ of Mandamus to declare the action of respondent Nos.1 and 2 in not passing orders on the 3rd respondent's letter RC.No.E4/968/2015, dated 01.05.2015 for sanction of Annual Grade Increments to the period of 439 days of Extra-ordinary Leave on medical grounds (from 01.05.2012 to 13.07.2013) and in not disposing of the representation dated 23.03.2017 by the 2nd respondent, as illegal, arbitrary and unjust and consequently direct respondent Nos.1 and 2 to pass necessary orders on the 3rd respondent's letter dated 01.05.2015 for sanction of Annual Grade Increments to the period of 439 days of Extra-ordinary Leave on medical grounds (from 01.05.2012 to 13.07.2013) as per F.R.26(b)(ii).

Heard Sri K.R. Srinivas, learned counsel for the petitioner and the learned Government Pleader for Medical and Health.

Learned counsel for the petitioner contends that the petitioner has retired from service as Lab Technician on 30.06.2014. While in service, he has availed Extra-ordinary Leave on medical grounds from 01.05.2012 to 13.07.2013. The grievance of the petitioner is that though vide letter dated

01.05.2015 the 3rd respondent has recommended the case of the petitioner for sanction of Annual Grade Increments to the period of 439 days of Extra-ordinary Leave, respondent Nos.1 and 2 are not considering the said recommendations made by the 3rd respondent and not passing orders basing on the said recommendations. The learned counsel, therefore, contends that appropriate orders be passed in the writ petition directing respondent Nos.1 and 2 to consider the recommendations made by the 3rd respondent vide letter dated 01.05.2015 and pass appropriate orders in accordance with law.

On the other hand, the learned Government Pleader for Medical and Health contends that respondent Nos.1 and 2 will consider the case of the petitioner and appropriate orders would be passed in accordance with law.

This Court, having considered the rival submissions of the learned counsel for the respective parties, is of the considered view that this writ petition can be disposed of directing respondent Nos.1 and 2 to consider the recommendations made by the 3rd respondent on 01.05.2015 for sanction of Annual Grade Increments to the petitioner for the period of 439 days of Extra-ordinary Leave on medical grounds from 01.05.2012 to 13.07.2013 and pass appropriate orders in accordance with law within a period of six (6) 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.

As a sequel, miscellaneous petitions pending, if any, in this writ petition shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

04.02.2019.
Msr

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