

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.2083 OF 2019

ORDER:

This writ petition is filed seeking a writ of Mandamus declaring the action of the respondents in rejecting the claim of the petitioner for sanction of incentive increment under Family Planning Programme vide letter dated 26.11.2018 and not considering the petitioner's representation dated 29.11.2018 for sanction of the incentive increment under Family Planning Programme as illegal, arbitrary and contrary to circular instructions of the Corporation and to set aside the same and further direct the respondents to grant incentive increment under Family Planning Programme with effect from June, 1999 with all consequential benefits including re-fixation of pay and payment of arrears.

Heard Sri P. Govinda Rajulu, learned counsel for the petitioner, and Sri B. Mayur Reddy, learned Standing Counsel for the respondents.

It has been contended by the petitioner that he was appointed as a Conductor in the 1st respondent Corporation and while he was discharging his duties as such, his wife underwent family planning operation and, as per the policy of the respondent Corporation, he is entitled for incentive increment under Family Planning Programme. The petitioner further submits that as per the Rules, he is supposed to furnish the details of operation underwent by his wife to the respondents within ten days, but, as there was strike in the respondent Corporation, he could not submit the medical certificate within the stipulated time of ten days and he has submitted the said certificate after 13 days.

Learned counsel for the petitioner contends that the petitioner has submitted the medical certificate of his wife belatedly by three days and the

respondents have mechanically rejected the case of the petitioner vide orders dated 26.11.2018 and thereafter the petitioner submitted a representation to the respondents on 29.11.2018 requesting the respondents to reconsider the case of the petitioner and grant incentive increment to the petitioner under Family Planning Programme in terms of the policy of the respondent Corporation. Learned counsel for the petitioner further submits that appropriate orders be passed in the writ petition directing the respondents to consider the representation dated 29.11.2018 and pass appropriate orders in accordance with law.

Learned Standing Counsel appearing for the respondents had submitted that the case of the petitioner would be examined and appropriate orders would be passed on the representation submitted by the petitioner in accordance with law.

This Court, having considered the submissions of the learned counsel for the respective parties, is of the considered view that this writ petition can be disposed of directing the respondents to consider the representation dated 29.11.2018 of the petitioner and pass appropriate orders in accordance with law, within a period of six 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.

Consequently, miscellaneous petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

Dated: 5th February, 2019
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