

HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.3702 of 2013

ORDER:

This writ petition is filed seeking the following relief :

“..... to issue an order or direction more particularly one in the nature of Writ of Mandamus, declaring the action of the 3rd respondent herein in reverting the petitioner from Personnel Officer to Asst. Manager (P) by way of termination of probation at the fag end of the services of the petitioner vide Proc. No.Ef1/606 (58)/2012-PD, dt.17.1.2013 without providing any reasonable opportunity and by attaching stigma as illegal unjust and arbitrary and as such liable to be set aside”.

2. When the matter is taken up for hearing, it has been contended by learned counsel for the petitioner that petitioner was reverted from the post of Personnel Officer to that of Assistant Manager vide proceedings dated 17.01.2013 without giving any opportunity to the petitioner. Hence, this Court was pleased to grant interim suspension of the said reversion order on 07.02.2013 and by virtue of the said interim order petitioner was allowed to continue in the post of Personnel Officer. It is further contended that the petitioner has retired from service on attaining the age of superannuation on 31.07.2015. Therefore, the cause in the writ petition does not survive. However, learned counsel for the petitioner submits that if any benefits are to be released by the respondent-Corporation, liberty be granted to the petitioner to submit a representation seeking monetary benefits and let the respondents consider the same and pass appropriate orders.

3. Learned Standing counsel appearing for the respondents also does not dispute the said facts.

4. This Court, having considered the rival submissions made by the learned counsel for the respective parties, is of the considered view that the cause in the writ petition does not survive as the impugned reversion order was never given effect to on the

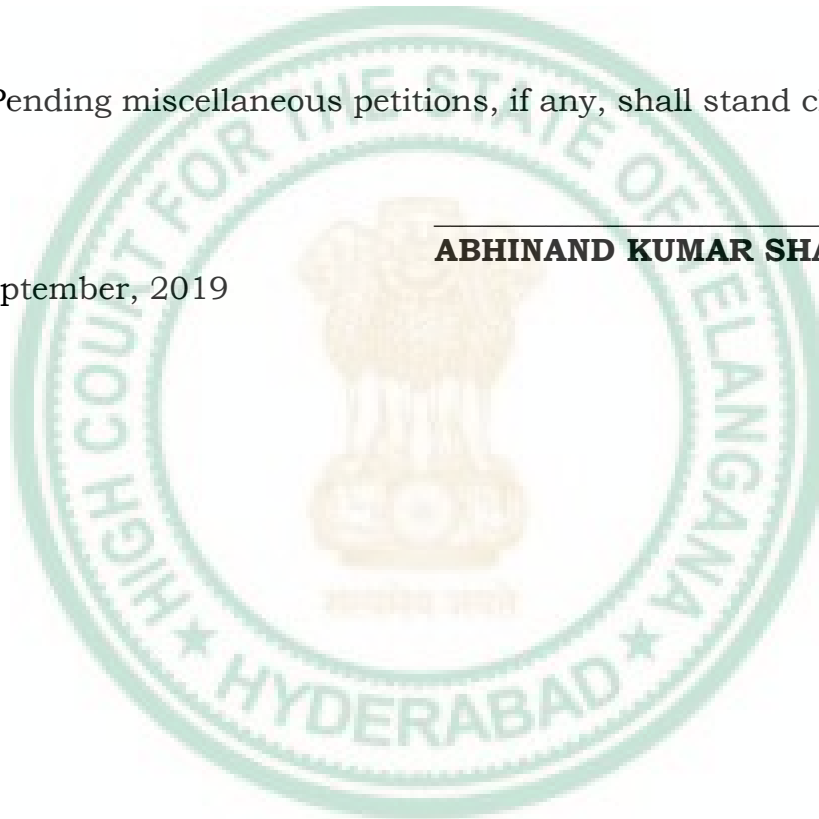
petitioner and petitioner was allowed to continue in the post of Personnel Officer, and the Writ Petition can be disposed of directing the petitioner to submit a fresh representation staking service benefits, if any, from the respondents, within two weeks from the date of receipt of copy of this order and upon such representation being received, the respondents shall consider the same and pass appropriate orders, within six weeks thereafter, if not already considered.

5. Accordingly, the Writ Petition is disposed of. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

17th September, 2019
Rds

ABHINAND KUMAR SHAVILI, J



HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI



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Dated : 17.09.2019

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