

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.2726 of 2018

ORDER:

This writ petition is filed seeking the following relief :-

“.... to issue a writ in the nature of Mandamus or any other appropriate writ, order or direction, by declaring the action of the respondents in not releasing the increments which are due to the petitioner, as illegal, arbitrary and unconstitutional being violative of Articles 14 and 16 of Constitution of India and consequently direct the respondents to release the increments due to the petitioner from 2008 onwards as per the law laid by this Hon'ble Court in W.P.No.6617 of 2004 dt.4.11.2004 as followed in W.P.No.15165 of 2014 dt.7.7.2014 and W.P.No.15504 of 2009 dt.16.4.2015 with interest ....”.

Heard Mr.S.Gopal Rao, learned counsel for petitioner and the learned Government Pleader for Services-II.

It has been contended by the petitioner that he was appointed as a Junior Assistant with the respondents. While discharging his duties, the respondents have placed the petitioner under suspension on 20.12.2008. The petitioner has challenged the order of suspension by filing O.A.No.2646 of 2010 and the Tribunal was pleased to allow the said O.A. on 13.08.2010. Thereafter, the petitioner was reinstated into service.

The grievance of petitioner is that so far no final orders are passed in the disciplinary proceedings initiated against him and the respondents are not regularizing the suspension period from 2008 till 2010 and not releasing periodical increments in his favour.

Learned counsel for petitioner contended that the issue raised in this writ petition is squarely covered by the judgments rendered by this Court in W.P.No.6617 of 2004 dt.04.11.2004, W.P.No.15165 of 2014 dt.07.07.2014 and W.P.No.15504 of 2009

dt.16.04.2015 and therefore, appropriate orders be passed in the writ petition directing the respondents to regularize the suspension period and to release periodical increments in favour of the petitioner.

Learned Government Pleader appearing for respondents has contended that the petitioner has not submitted any representation before the respondents and straight away filed the present writ petition. If the petitioner submits any representation, the case of the petitioner will be examined and appropriate orders would be passed.

This Court, having considered the rival submissions, is of the considered view that this writ petition can be disposed of directing the petitioner to submit a representation to the respondents seeking periodical increments and regularisation of suspension period within two weeks from the date of receipt of a copy of this order. Upon such representation being received, the respondents shall consider the same and pass appropriate orders within four weeks thereafter.

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

Pending miscellaneous petitions, if any, shall stand closed.

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ABHINAND KUMAR SHAVIL, J

Date: 13-03-2019  
Prv

