

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.3627 OF 2019

ORDER

This writ petition is filed seeking the following relief:

“....to issue a writ or direction one in the nature of Mandamus declaring the action of the respondents in not reinstating the petitioner into service as Telecom Operator by giving effect to the Letter dated 11.08.2017 is arbitrary and illegal and consequently issue a direction to the respondents to reinstate the petitioner into service with all consequential benefits including back wages and to pass any other order or orders appropriate in the case.”

Heard Sri Mohd.Asifuddin, learned counsel appearing for the petitioner and learned Standing Counsel appearing for the respondents.

The petitioner was appointed as Telecom Operator in the respondent-TS TRANSCO, on outsourcing basis, on 01.06.2005. While working as such, he submitted a resignation letter dated 11.07.2013 to the respondents. In pursuance thereof, he was relieved from his duties.

The grievance of the petitioner is that somebody has created bogus resignation letter in his name with forged signature on 11.7.2013; that he never submitted any resignation letter; that he submitted a representation dated 29.07.2017 to

the respondents to consider his case for reinstatement into service as an outsourcing employee; that the Divisional Engineer had addressed a letter dated 11.08.2017 to the Superintending Engineer recommending the case of the petitioner and that appropriate orders may be passed directing the respondents to consider the case of the petitioner for re-employment as Telecom Operator.

Learned Standing Counsel appearing for the respondents submits that the petitioner has resigned on his own way back in the year 2013; that after lapse of five years, the petitioner has submitted the representation dated 29.07.2017 to consider his case for re-employment, which is not permissible.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the view that since the petitioner is complaining that he has never resigned to the post of Telecom Operator in the year 2013 and that he submitted representation dated 29.07.2017 to the respondents to consider his case for re-employment as an outsourcing employee, ends of justice would be met if a direction is given to the respondents to consider the case of the petitioner.

Accordingly, the Writ Petition is disposed of directing the petitioner to submit a representation afresh to the

respondents within a period of two weeks from today. Upon such representation being received, the respondents shall consider the same and pass appropriate orders in accordance with law within a period of eight weeks thereafter. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

22nd February, 2019
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