

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.8690 OF 2019

ORDER:

This writ petition is being disposed of at the admission stage with the consent of learned counsel for both parties.

This writ petition is filed seeking the following relief:

“...to issue an appropriate writ, order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of the respondents in not paying the petitioner retirement benefits i.e., fixing of the pay as per the award of the labour court, 50% backwages, attendant benefits and arrears thereof is illegal, arbitrary, violation of the fundamental rights guaranteed under the constitution of India and contrary to the APSRTC Service Regulations and consequently direct the respondents to pay the petitioner retirement above said benefits and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

Heard Sri A. Jagan, learned counsel for the petitioner, and Sri N. Vasudeva Reddy, learned Standing Counsel appearing for the respondents.

It has been contended by the petitioner that he was initially appointed as a driver in the respondent Corporation and his services were also regularized with effect from 01.10.1988. The petitioner further contends that while he was discharging his duties, the respondent Corporation alleged that he was indulged in a road accident on 21.12.1991 and, construing the said act as misconduct, disciplinary proceedings were initiated against him and after conducting detailed enquiry, he was removed from service vide proceedings dated 27.06.1992. Challenging the same, the petitioner has raised I.D before the Labour Court and the same was allowed vide award dated 27.03.1998 setting aside the orders of removal and the Corporation was directed to reinstate the petitioner into service with continuity of service, attendant

benefits and with 50% of backwages. In pursuance of the award passed by the Labour Court, the petitioner was reinstated into service. However, assailing the award passed by the Labour Court, the Corporation carried the matter before this Court by filing W.P.No.30182 of 1998 and this Court was pleased to dismiss the said writ petition on 10.10.2007 confirming the award passed by the Labour Court. The petitioner further contends that he has retired from service on 31.01.2018 on attaining the age of superannuation and thereafter he has submitted a representation to respondent No.3 on 02.04.2019 requesting to extend the benefits as ordered by the Labour Court, but so far the respondents have not passed any orders nor extended the benefits in terms of the award passed by the Labour Court.

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

This Court, having considered the rival submissions made by the learned counsel for respective parties, is of the considered view that this writ petition can be disposed of directing respondent No.3 to consider the representation submitted by the petitioner on 02.04.2019 and pass appropriate orders thereon in accordance with law, within a period of eight 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.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

Dated: 24th April, 2019
v v