

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILU

WRIT PETITION No.10960 of 2019

ORDER:

With the consent of both the counsel, this writ petition is being disposed of at the stage of admission.

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 to declare the action of the respondent authorities in not paying the retirement benefits w.e.f. 8.8.1985 instead of 29.2.1992 though the 2nd respondent vide his Office Order dt.10.7.2001 bearing No.E205113/ 2001-RM:ADB, ordered that the services of the petitioner be regularized w.e.f. 28.8.1985 inspite of the written representations dt.23.12.2012 and 13.10.2017 as being illegal, arbitrary and unjust and consequently direct the respondents to pay the retirement benefits w.e.f. 28.8.1985 instead of 29.2.1992 by taking into consideration the office order dt.10.7.2001”.

Heard Sri G.Rajesh, learned counsel for the petitioner and Sri A.Ravi Babu, learned Standing Counsel for respondents.

It has been contended by the petitioner that he was appointed as Conductor in the year 1983 and his services were regularized with effect from 28.08.1985 and he has retired from service on 31.10.2012. The respondents have paid terminal benefits by counting service from 29.02.1992 but not with effect from 28.08.1985.

Learned counsel appearing for the petitioner has contended that the 2nd respondent has passed order on 10.07.2001 to the effect that the services of the petitioner be regularized with effect from 28.08.1985, but the respondent authorities are not extending

terminal benefits from 28.08.1985. The petitioner has submitted a representation on 13.10.2017 seeking terminal benefits from 28.08.1985. But, the respondents have not passed any orders on the said representation nor extended terminal benefits with effect from 28.08.1985 till the date of petitioner's retirement. Therefore, the learned counsel submits that appropriate orders be passed in the writ petition directing the respondents to consider the representation submitted by the petitioner on 13.10.2017 and extend terminal benefits for the service rendered by the petitioner from 28.08.1985 till he retired from service i.e., on 31.10.2012.

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

This Court, having considered the rival 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 submitted by the petitioner on 13.10.2017 and pass appropriate orders in accordance with law within four 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.

As a sequel, miscellaneous petitions pending, if any, in this writ petition shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILU

11.06.2019

Prv

