

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.12292 of 2019

ORDER:

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

This writ petition is filed seeking a Writ of Mandamus, declaring the action of the respondents in not paying the terminal benefits of the petitioner from February, 1989 till the issuance of removal order dated 19.04.2010, in spite of the repeated requests of the petitioner, as illegal, unjust and arbitrary and sought a consequential direction to pay the terminal benefits of the petitioner with effect from February, 1989 to 19.04.2010 with interest forthwith.

Heard Sri S.M. Subhan, 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 appointed as a Driver with the respondents during 1989 and while he was discharging his duties during the year 2009, he had to remain absent to duties from 04.04.2009 to 17.04.2009 owing to ill-health, but the respondents have construed his absence as misconduct and initiated disciplinary proceedings. The petitioner also submits that after conducting detailed enquiry, he was imposed the major punishment of removal from service. Thereafter, the petitioner had unsuccessfully preferred appeal and review. The petitioner submits that he has submitted series of representations to the respondents requesting them to pay terminal benefits for the service rendered by him from February, 1989 till the date of removal i.e., 19.04.2010, but so far the

respondents have neither passed any orders on the said representations nor paid the terminal benefits to the petitioner.

Learned counsel for the petitioner submitted that appropriate orders be passed in the writ petition directing the respondents to pay the terminal benefits for the service rendered by the petitioner i.e., from February, 1989 till April, 2010.

Learned Standing Counsel appearing for the respondents had submitted that the case of the petitioner will be considered and appropriate orders would be passed in accordance with law.

This Court, having considered the submissions of the learned counsel for both parties, is of the considered view that this writ petition can be disposed of directing the petitioner to submit a fresh representation to the respondents within a period of two weeks from the date of receipt of a copy of this order and, upon such a representation being received, the respondents shall consider the same and pass appropriate orders, in accordance with law, within a period of eight 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.

ABHINAND KUMAR SHAVILI, J

20th June 2019
v v