

HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.8293 OF 2001

ORDER (ORAL):

This Writ Petition is filed seeking a writ of *mandamus* declaring the action of the respondents in refusing to pay monetary benefits to the petitioner in the category of Upper Division Clerk (UDC) with effect from 12.04.1994 having notionally promoted him to the category of UDC with effect from 12.04.1994 and rejecting his case vide proceedings dated 07.10.1999 for grant of monetary benefits for the said period as arbitrary and illegal; and also sought a consequential direction to the 2nd respondent to pay all monetary benefits to the petitioner in the category of UDC with effect from 12.04.1994 with all consequential benefits.

2. Heard Sri P. Durga Prasad, learned counsel for the petitioner, and Sri Zakir Ali Danish, learned counsel for the respondents, and perused the material on record.

3. It has been contended by the petitioner that initially he was appointed as Lower Division Clerk (LDC) in 1982 with the respondents and thereafter, he was notionally promoted as UDC with effect from 12.04.1994, but the respondents are not extending the notional benefits to him in the category of UDC from 12.04.1994 and rejected his case for grant of notional monetary benefits for the said

period vide proceedings dated 07.10.2019. Challenging the same, the present writ petition is filed.

4. Learned counsel for the petitioner submits that appropriate orders may be passed in the writ petition directing the respondents to consider the case of the petitioner for grant of notional benefits in the category of UDC with effect from 12.04.1994 and to further direct the respondents to pay the monetary benefits for the above said period in accordance with law.

5. Learned standing counsel appearing for the respondents submits that case of the petitioner would be considered and appropriate orders would be passed if the petitioner submits a fresh representation.

6. Having considered the rival submissions, this Court is of the view that the writ petition can be disposed of directing the petitioner to submit a fresh representation to the respondents within a period of two (2) weeks from the date of receipt of a copy of this order staking his claim for monetary benefits in the cadre of UDC with consequential benefits and upon receipt of such representation, the respondents shall consider the same and pass appropriate orders within a period of eight (8) weeks thereafter.

7. Accordingly, the Writ Petition is disposed of. No order as to costs.

As a sequel thereto, Miscellaneous Petitions, if any, pending in the writ petition stand closed.

ABHINAND KUMAR SHAVILI, J

October 24, 2019.
PV

