

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.23718 of 2019

ORDER

This writ petition is filed seeking the following relief:

“.....to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents herein in not considering the petitioner's case for payment of salaries for the period from 01-02-2017 to 31-08-2018 by counting the gap period as on duty as per the orders of this Hon'ble Court in W.P.No.8275/2017, dated 03.08.2018 as highly illegal, arbitrary and contrary to law and consequentially this Hon'ble Court may be pleased to declare that the petitioner herein is entitled for payment of arrears of salaries for out of service period from 01-02-2017 to 31-08-2018 as per the orders of this Hon'ble Court in W.P.No.8275/2017, dated 03.08.2018 by treating the period as on duty and pass such other order or orders may deem fit and proper in the circumstances of the case.”

Heard Sri M.R.Tagore, learned counsel appearing for the petitioner, learned Government Pleader for Services-II appearing for respondents 1 and 3 and Smt Anjali Agarwal learned Standing Counsel appearing for respondent No.2.

It is the case of the petitioner that he is working as Youth Coordinator on contract basis with the 2nd respondent since 2012 and he is discharging his duties as such. While so, without assigning any reasons, the respondents have

terminated his services *vide* order dated 1.2.2017. Challenging the same, the petitioner has filed W.P.No.8275 of 2017. This Court has granted interim suspension of the impugned termination order *vide* order dated 10-3-2017. Thereafter, *vide* order dated 3.8.2018 this Court allowed the said writ petition by setting aside the termination order. In pursuance of the order passed by this Court in W.P.No.8275 of 2017, the respondents have reinstated the petitioner into service on 31.8.2018. While allowing the said writ petition, this Court has given liberty to the petitioner to submit an application seeking payment of amounts for out of service period. Therefore, the petitioner has submitted representations to the respondents on 3.11.2018 and on 14.10.2019. But, so far, no orders have been passed thereon.

Learned counsel appearing for the petitioner submits that appropriate orders be passed in the writ petition directing the respondents to consider the representation dated 3.11.2018 and pass appropriate orders.

Learned Government Pleader as well as learned Standing Counsel appearing for the respondents contended that since the representation of the petitioner is pending with the respondents, the respondents would consider and pass appropriate orders in accordance with law.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the considered view that this writ petition can be disposed of directing the respondents to consider the representations submitted by the petitioner on 3.11.2018 and on 14.10.2019 and pass appropriate orders in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

Accordingly, the Writ Petition is disposed of. No costs.

Pending miscellaneous petitions, if any, shall stand closed.

30th October, 2019
rkk

JUSTICE ABHINAND KUMAR SHAVILI



