

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.25241 of 2019

ORDER:

Heard Sri C.Raja Sekhar Reddy, learned counsel for the petitioner and Sri A.Ravi Babu, learned Standing counsel for respondents (TSRTC). With the consent of learned counsel for the respective parties, this Writ Petition is disposed of at the admission stage.

This writ petition is filed seeking the following relief :-

“.....Writ of Mandamus and to declare the action of the respondents in not settling the FPS monthly pension after retirement on attaining the age of superannuation w.e.f., 31.01.2015, though the 3rd respondent forwarded the proposals vide proceedings No.P3/693(01)/2015-SRPT, dt.27.02.2015 to the 5th respondent, but, the same is pending till date without any final orders, the said action of the respondents is highly illegal, arbitrary, unreasonable, discriminatory and also in violation of Article 14, 16 & 21 of the Constitution of India and declare the same as bad-in-law and consequently direct the respondents to settle the FPS monthly pension from 09.04.2010 to 31.01.2015 and issue all the retrial benefits for which the petitioner is entitle and to pass such other order or orders.....”

It has been contended by the petitioner that he was initially appointed as Conductor during the year 1986 and while he was discharging his duties, during the year 2007 he was declared as medically unfit. Against the same, petitioner preferred an appeal and the appellate authority was pleased to reinstate the petitioner into service during the year 2010. Thereafter petitioner retired from service on attaining the age of

superannuation on 31.01.2015. The grievance of the petitioner is that though he has retired from service in the month of January, 2015, the respondents are not settling the retrial benefits till date. With regard to the same, petitioner made an application to the 3rd respondent and the 3rd respondent forwarded the proposals in respect of settlement of petitioner's retrial benefits to the 5th respondent. But so far, the 5th respondent has not passed any orders on the proposals sent by the 3rd respondent.

Learned counsel for the petitioner contends that appropriate orders be passed in this writ petition directing the 5th respondent to consider the proposals sent by the 3rd respondent and pass appropriate orders in accordance with law.

Learned Standing counsel appearing for the respondents contends that the case of the petitioner would be considered provided petitioner submits a fresh representation to the respondents and upon submission of such representation, the respondents would consider the same and pass appropriate orders in accordance with Rules.

This Court, having considered the rival submissions of the learned counsel appearing for the respective 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 staking his claim for retiral benefits within two weeks from the date of receipt of a copy of this order and upon such representation being received, the respondents shall

consider the same and pass appropriate orders in accordance with Rules, in another six 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

Date: 18-11-2019
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