

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.24847 of 2016

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed by the petitioners seeking the following relief:

“...to issue an order direction or writ more particularly one in the nature of Writ of Mandamus declaring the action of the Respondents in not fixing the pay of the Petitioner by adding increments which were stopped due to minor punishments and in not fixing the pay of the Petitioner with effect from 2000, as illegal arbitrary and unjust and consequently direct the respondents to fix the pay of the Petitioner by adding increments with effect from 2000 which were stopped due to minor punishment imposed on the Petitioner and on such fixation pay the terminal benefits to the Petitioner.”

2. Heard Mr.G. Ravi Mohan, learned counsel for the petitioner and Mr. N. Vasudeva Reddy, learned Standing Counsel for respondents.

3. It is the case of the petitioner that initially he was appointed as a Conductor and was promoted as Assistant Depot Clerk during the year 2005. His grievance is that certain minor punishments were imposed on him during 2000 and earlier thereto, and on completion of punishments, the respondents ought to have added the increments to which the petitioner was entitled and that because of the action of the respondents in not adding the increments to him since 2000, he has suffered erroneous pay fixation and that he has retired from service on attaining the age of superannuation on 31.07.2015. After retirement,

the petitioner filed the present writ petition contending that the increments to which the petitioner is entitled to, shall be paid to him, and that the enhanced terminal benefits be paid to him in accordance with law.

4. Learned Standing Counsel appearing for the respondents had contended that the case of the petitioner would be considered if only the petitioner submits a fresh representation to the respondents.

5. This Court, having considered the rival submissions made by the parties, is of the view that this writ petition can be disposed of directing the petitioner to submit a fresh representation to the respondents within two (2) weeks from the date of receipt of a copy of this order, staking his claim for adding the increments and upon such representation being received, the respondents shall consider the same and pass appropriate orders in accordance with law within a period of eight (8) weeks thereafter.

6. With the above observations, the writ petition is disposed of. As a sequel thereto, miscellaneous petitions, if any pending, shall stand closed. No order as to costs.

ABHINAND KUMAR SHAVILI, J

September 18, 2019

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