

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.48018 of 2018

ORDER:

This writ petition is filed seeking the following relief:

“ To issue an order, direction or writ more particularly one in the nature of Writ of Mandamus or any other appropriate writ (i) declaring the action of the respondents in withholding the increments to which the petitioner is entitled for the period from 2002 to 2014 is illegal, arbitrary and contrary to rules (ii) declare the action of the respondents in denying the promotion vide proceedings No.BDL/04/62/30417, dated 19.7.2017 to the petitioner on par with his juniors from 2001 to 2014 is illegal, arbitrary and unjust; (iii) declare that the petitioner is entitled to salary and other benefits for the period from 3.5.2016 to till the date on which he was reinstated consequent to the judgment of the Hon'ble Supreme Court in Crl.A.No.438 of 2016, dt.3.5.2015 (iv) declare the action of the respondents in not regularizing the period from 22.4.2014 to 2.5.2016 is illegal and arbitrary; (v) and consequently direct the respondents to release interest @ 18% on arrears, increments which were released in the year 2017 and (vi) direct the respondents to promote the petitioner to the higher grades from the date of his immediate juniors with all consequential benefits (vii) direct the respondents to release the salary for the six months period consequent to the judgment of the Hon'ble Supreme Court by dully treating the period as on duty and also regularize the period from 22.4.2014 to 2.5.2016 (viii) direct the respondents to release the difference of PRP from 2007 onwards and pass such other order or orders as this Hon'ble Court may deem fit and proper in the interest of justice.”

Heard Ms.K.Udaya Sri, learned counsel for the petitioner and
Ms.Uma Devi, learned Standing Counsel for the respondents.

It is contended by the petitioner that he was initially
appointed as Deputy Manager during the year 1987 under the

respondents. While he was working as Senior Manager, the respondents have placed him under suspension on 5.6.2001 on certain irregularities and also for his involvement in a criminal case under the Prevention of Corruption Act. The petitioner further contends that the suspension orders were revoked on 15.1.2002 and he was reinstated into service. The petitioner was tried by the competent C.B.I. Court in Crime No.20 of 2002 and he was acquitted vide judgment dated 11.4.2005. Thereafter, the State has preferred an appeal by filing Criminal Appeal No.1661 of 2005 before this Court. This Court had allowed the appeal preferred by the State vide judgment dated 10.3.2014 and the acquittal of the petitioner was reversed and the petitioner was convicted under the Prevention of Corruption Act. Consequent upon conviction, the petitioner was dismissed from service vide proceedings dated 22.4.2014. Thereafter, the petitioner preferred Crl. Appeal No.438 of 2016 before the Hon'ble Supreme Court and the Hon'ble Supreme Court had allowed the appeal vide judgment dated 3.5.2016 and set aside the order of conviction passed by the High Court. Thereafter, the petitioner has submitted a representation to the respondents on 27.5.2016 requesting the authorities to reinstate him into service. The disciplinary authority vide proceedings dated 17.11.2016 issued order reinstating him into service and he retired from service on 28.2.2018. The petitioner further contends that the

increments to which he is entitled to right from the year 2002 onwards have not been released and he was erroneously denied promotions on par with his juniors for more than two decades and the respondents have also not extended the revised pay scales to the petitioner. The petitioner further contends that he made a representation to the respondents on 16.12.2016 and 4.1.2018 but the respondents have not passed any orders on the representations submitted by him and that the respondents may be directed to consider the representations submitted by the petitioner and to pass appropriate orders in accordance with law.

Learned Standing Counsel appearing for the respondents had contended that since the petitioner has submitted representations to consider his case for release of the benefits to which he is entitled to, the case of the petitioner will be considered and appropriate orders would be passed on the representations submitted by the petitioner.

This Court having considered the submissions made by both the parties is of the considered view that this writ petition can be disposed of directing the respondents to consider the representation dated 4.1.2018 and pass appropriate orders in accordance with law within a period of six weeks from the date of receipt of a copy of this order.

With these observations, the Writ Petition is disposed of. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

Date: 21/01/2019
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