

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.17278 of 2020

ORDER:

This writ petition is being disposed of at the admission stage with the consent of both parties.

This writ petition is filed seeking the following relief:

“..... to issue an appropriate Writ Order or Direction more particularly one in the nature of Writ of Mandamus to declare the action of the respondent authorities in not paying the petitioner service retirement benefits viz Provident Fund Gratuity Earned Leave ~~SBT~~ ~~SRBT~~ Pay Scale Arrears and Telangana strike period salary 41 days salary pensionary benefits and arrears thereof and other monetary benefits calculated 2014 to 2018 instead of my initial appointment w e f 1991 to 2019 even after lapse of 18 months of petitioner retirement inspite of petitioner repeated personal visits followed by written representation dt 14/ 5/ 2019 as being illegal arbitrary and unjust and consequently direct the respondents to pay the above said terminal benefits to the petitioner herein along with interest at the rate of 18percentage p.a.....”.

Heard Si G.Rajesh, learned counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondents.

It has been contended by the petitioner that he was initially appointed as a driver on contract basis with the respondents during the year 1988 and his services were regularized in the year 1991 and he has been discharging his duties to the best satisfaction of his superiors and everyone concerned. Thereafter, on account of various financial and domestic problems, he was constrained to remain absent from the duties and therefore, the disciplinary authority had initiated disciplinary proceedings against him and after conducting a detailed enquiry imposed a major penalty of

removal from service vide order dated 01.04.2014. He has challenged the said removal order dated 01.04.2014 before the Labour Court by filing I.D.No.130 of 2015 and the Labour Court vide order dated 15.12.2015 was pleased to allow the said I.D. in part and directed that the petitioner be appointed afresh. In pursuance of the orders passed by the Labour Court, he was appointed as a driver afresh with the respondents and retired as such on attaining the age of superannuation on 31.01.2019.

The grievance of the petitioner in the present writ petition is that earlier service rendered by him was not counted for settling his terminal benefits. Therefore, he has submitted a representation to the respondents on 14.06.2019. But, so far, the respondents have not passed any orders on the said representation.

Therefore, the counsel for the petitioner contended that appropriate orders be passed in the writ petition directing the respondents to consider the representation submitted by the petitioner on 14.06.2019 and pass appropriate orders in accordance with law.

Learned Standing Counsel appearing for the respondents has contended that since the petitioner's representation is pending with the respondents, the respondents would consider the same and appropriate orders would be passed in accordance with law.

This Court, having considered the rival submissions made by the parties, is of the considered view that this writ petition can be disposed of directing the respondents to consider the representation submitted by the petitioner on 14.06.2019 and pass appropriate orders in accordance with law within a reasonable

period of time, preferably within a period of eight weeks from the date of receipt of a copy of this order.

With the above directions, the writ petition is disposed of. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVIL, J

05.10.2020
Prv

