

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI
AND
HON'BLE SRI JUSTICE NAMAVARAPU RAJESHWAR RAO
W.P.No.31577 OF 2012

ORDER: *(Per Hon'ble Sri Justice Abhinand Kumar Shavili)*

Aggrieved by the order dated 25.09.2012 passed in O.A.No.630 of 2012 by the Central Administrative Tribunal, Hyderabad, the present writ petition has been filed.

Heard Sri S.Rahul Reddy, learned counsel appearing for the petitioner and learned Assistant Solicitor General of India appearing for the respondents.

It has been contended by the petitioner that he was working as a Head Postman and while working as such, the respondents have transferred him *vide* proceedings dated 03.04.2012 as a measure of punishment. Aggrieved by the same, the petitioner has approached the Central Administrative Tribunal, Hyderabad, by filing O.A.No.630 of 2012. Initially, the Tribunal has granted stay of transfer order and finally when the counter was filed, the O.A. was dismissed *vide* order dated 25.09.2012 without appreciating the fact that the transfer is punitive in nature.

Challenging the same, the present writ petition has been filed. While admitting the writ petition on 09.10.2012 in WPMP No.40269 of 2012, this Court has granted interim suspension. In pursuance of the same, the petitioner was allowed to continue in the place where he was working and he has also retired from service.

Learned counsel appearing for the petitioner had contended that the respondent have not paid salary from the date of transfer order dated 03.04.2012 till the orders were suspended by this Court on 09.10.2012. Therefore, appropriate orders be passed in the writ petition by directing the respondents to release salary for the period from the date of transfer till the orders were suspended by this Court i.e., on 09.10.2012.

Having considered the said submissions, this Court is of the view that the issue involved in the writ petition pertains to transfer and by virtue of the interim order granted by this Court, the petitioner was allowed to continue in the post where he was working and on attaining the age of superannuation, he has retired from service. The only issue to be considered in this writ petition is as to whether the petitioner is entitled for

payment of salary from the date of transfer order dated 03.04.2012 till it is suspended by this Court on 09.10.2012. Admittedly, the petitioner has worked for the relevant point of time. Therefore, the petitioner is entitled for payment of salary.

Accordingly, the Writ Petition is disposed of by directing respondents to verify as to whether the petitioner has worked for the relevant point of time and if the petitioner has worked from 03.04.2012 to 09.10.2012, the respondents are directed to release all the benefits including payment of salary to the petitioner. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

JUSTICE NAMAVARAPU RAJESHWAR RAO

Date: 21.10.2022

Rkk/Myk

