

THE HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION No.4676 OF 2023

ORDER:-

The present Writ Petition is filed under Article 226 of the Constitution of India, seeking the following relief:

“... to issue a writ or order, orders or directions more particularly one in the nature of Writ of Mandamus declaring the action of 2nd respondent in not considering the proceedings Rc.No.11/A2/2022 dated 17.11.2022 issued by respondent No.3 as per Hon'ble High Court order in W.P.No.28219 of 2022 dated 15.09.2022 is illegal, arbitrary, discriminatory, contrary and violations of principles of natural justice and consequently direct the 2nd respondent to sanction increments and service pension to the proceedings Rc.No.11/A2/2022 dated 17.11.2022 within a stipulated time and to pass such other order or orders...”

2. Heard learned counsel for the petitioner and learned Government Pleader for the respondents.

3. Learned counsel for the petitioner submits that while the petitioner is working as Deputy Inspector of Schools Urban at Vijayawada, a criminal case was registered against him by the Anti Corruption Bureau (ACB). Pending to the said criminal case, in view of the age of superannuation he was retired on 31.05.2005. He further submits that after the retirement the petitioner was acquitted from the said criminal case in a Calender Case No.1 of 2004, vide judgment dated 17.01.2007. After his acquittal the petitioner has been approaching the respondent authorities for getting notional

seniority as well as consequential monetary benefits. But, even after lapse of years together the respondent authorities neither considered nor acted upon it. Having no other option, the petitioner was preferred W.P.No.28210 of 2022 dated 05.09.2022, wherein this Court was pleased to pass an order as under:

“...Having regard to the facts and circumstances and without touching the merits of the case, liberty is given to the petitioner to make a representation afresh to the respondent Nos.3 and 4 requesting to pay the amounts, which are due to him, for the service rendered; and on receipt of such representation from the petitioner, the respondent Nos.3 and 4 are directed to dispose of the same, in accordance with law within four weeks thereafter...”

4. Learned counsel for the petitioner submits that pursuant to the orders of this Court the 3rd respondent addressed a letter dated 17.11.2022 to the 2nd respondent for consideration of the case of the petitioner for getting notional seniority as well as consequential monetary benefits. Despite receipt of the said proceedings dated 17.11.2022, the 2nd respondent neither acted upon nor initiated any proceedings so far. Hence the writ petition.

5. On the other hand, the learned Government Pleader for the respondents furnished the written instructions issued by the 3rd respondent dated 03.03.2023, wherein it is stated that he informed to the 2nd respondent office vide letter dated 17.11.2022. But, the 2nd respondent is taking steps and will issue necessary orders to the regularization of the suspension period from 17.11.2002 to 31.05.2005 for which the 1st

respondent is the competent authority and they are pursuing the same with the 1st respondent and it can be get it done within a reasonable time.

6. Having regard to the submissions made by the learned counsel for the petitioner as well as the learned Government Pleader for the respondents and as per the instructions submitted by the 3rd respondent, this Court is of the considered opinion that the present writ petition can be disposed of directing the respondent Nos.1 and 2 to consider the representation of the petitioner and the proceedings of the 3rd respondent dated 17.11.2022 and pass appropriate orders within a period of two months from the date of receipt of a copy of this order.

7. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

As a sequel thereto, interlocutory applications pending, if any in the writ petition, shall also stand closed.

JUSTICE VENKATESWARLU NIMMAGADDA

7th March, 2023

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