

HON'BLE SRI JUSTICE N.V. RAMANA

WRIT PETITION No.20484 of 1995

Date : 28-07-2006

Between:

S. Laxmana Chary

... Petitioner/s

and

The Management of
Bharat Heavy Electricals Limited,
Ramachandrapuram, Hyderabad-32.

...Respondent/s

HON'BLE SRI JUSTICE N.V. RAMANA

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ORDER:

This writ petition is filed seeking mandamus declaring the action of the respondent in denying the back wages, difference of wages, promotion and other attendant benefits consequent to the reinstatement of the petitioner into service, as being arbitrary and illegal.

It is the case of the petitioner that while working as Turner in the respondent Company, he was dismissed from service by order dated 22-6-1993 on the ground that he was convicted in a criminal case. On appeal preferred by the petitioner in the said criminal case, he was acquitted of the conviction and subsequently he was reinstated into service. While joining into service, he has made an application for payment of back wages, difference of wages and other attendant benefits, apart from promotion. In spite of making representation by the petitioner, the respondents have not considered the case of the petitioner. Hence the present writ petition.

The respondents have filed a counter stating that the petitioner was paid the subsistence allowance during the period of suspension as per the Standing Orders of the respondent Company. It is also

stated that the dismissal of the petitioner from service is in accordance with the Standing Orders, and therefore, he is not entitled for back wages and other consequential benefits. It is further stated in the counter that since the petitioner was under suspension, his case was not considered for promotion along with his batchmates, but subsequently his case was considered and he was promoted to the post of Artisan, Gr.II (Turner) with retrospective effect, apart from restoring his seniority. Hence, sought for dismissal of the writ petition.

At the time of hearing, it is represented by the learned counsel for the petitioner that apart from the relief granted by the respondents, the petitioner is entitled for some monetary benefits for which he wants to make a representation to the respondents.

Heard learned counsel for the petitioner and the learned standing counsel for the respondents.

Since it is represented that the petitioner is entitled for some monetary benefits, I deem it appropriate to direct the petitioner to make a representation to the respondent with regard to the same, and on such representation being made by the petitioner, the respondents are directed to consider the same and pass appropriate orders in accordance with law.

The writ petition is accordingly disposed of. No costs.

N.V. RAMANA, J

28-07-2006.

Msr.

HON'BLE SRI JUSTICE N.V. RAMANA

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(Msr)