

W.P.No.32631 of 2015

ORDER:

This writ petition is filed seeking to declare the action of the 3rd respondent in imposing the punishment of deferment of annual increment for a period of one year with cumulative effect *vide* proceedings dated 29.05.2002 as arbitrary and illegal.

The petitioner was appointed as Conductor in the respondent-Corporation in 1987. According to him, he was hospitalized from 29.05.2001 to 4.6.2001 and he sent intimation to the respondent-Corporation along with the medical certificate issued by the Government Hospital, Miryalguda. In spite of the same, the respondent-Corporation issued charge sheet on 5.6.2001, for which he submitted detailed explanation denying the charges levelled against him. Thereafter, during the enquiry he was found guilty of the charges *vide* proceedings dated 12.06.2001 and after issuing show cause notice dated 14.09.2001, he was removed from service *vide* proceedings dated 21.11.2001. Aggrieved by the termination order passed by the 4th respondent, he preferred an appeal to the appellate authority. The appellate authority *vide* order dated 29.05.2002, while setting aside the termination order passed by the 4th respondent, reinstated the petitioner into service by modifying the punishment to that of deferment of annual increments for a period of one year with cumulative effect. Aggrieved by the same, the petitioner filed review before the 2nd respondent, who, in turn, rejected the same *vide* proceedings dated 7.10.2005.

Thereafter, he filed mercy petition before the 1st respondent-Executive Director on 6.1.2006. But, so far, no action has been taken thereon.

Since the mercy petition submitted by the petitioner is pending before the 1st respondent on 6.1.2006, I am not inclined to go into the merits of the case.

In view of the same, the writ petition is disposed of directing the 1st respondent to dispose of the mercy petition dated 6.1.2006 and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order. No costs.

Miscellaneous petitions pending, if any, shall stand closed.

JUSTICE R. KANTHA RAO

7th October, 2015

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