

HON'BLE SRI JUSTICE R. KANTHA RAO

W.P.No.32543 of 2015

ORDER:

Heard learned counsel appearing for the petitioner and learned Standing counsel appearing for the respondent-Corporation.

This writ petition is filed seeking to declare the action of the 3rd respondent in imposing the punishment of deferment of annual increment of the petitioner for a period of one year with cumulative effect *vide* proceedings dated 21.12.2012, as illegal and arbitrary.

The petitioner was appointed as Conductor in 2005 and his services were regularized in 2010. While working in the 3rd respondent-Depot, charge sheet was issued to him on the allegation of cash and ticket irregularities, for which, he submitted his explanation. According to the petitioner, without conducting any departmental enquiry, major punishment of deferment of annual increment for a period of one year with cumulative effect was imposed on him. Challenging the same, the present writ petition has been preferred.

Learned counsel appearing for the petitioner submits that in similar set of circumstances, learned Single Judge of this Court in W.P.No.22658 of 2005, dated 20.10.2005, modified the punishment to that of stoppage of annual increment without cumulative effect.

On the other learned Standing Counsel appearing for the respondent-Corporation contends that the petitioner preferred an appeal before the 2nd respondent and the same is pending.

In view of the pendency of the appeal, I am not inclined to go into the merits of the case.

However, as the appeal has been pending for long time before the 2nd respondent, the Writ Petition is disposed of directing the 2nd respondent to dispose of the appeal within a period of eight weeks from the date of receipt of a copy of this order in the light of the order passed by this Court in W.P.No.22658 of 2005, dated 20.10.2005. There shall be no order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

JUSTICE R. KANTHA RAO

7th October, 2015

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