

THE HON'BLE SRI JUSTICE T.SUNIL CHOWDARY

WRIT PETITION No.19046 of 2004

ORDER:

The writ petition is filed under Article 226 of the Constitution of India seeking a writ of Mandamus declaring the office order No.Steno/95(51)/2003-PNR dated 04.03.2004 as illegal, arbitrary and set aside the same and grant all consequential benefits including arrears.

Heard both counsels.

The facts leadings to filing of the present writ petition are briefly as follows:

The petitioner was appointed as conductor in first respondent Corporation on 28.11.1986. On 17.09.2003, the checking officials, while conducting the check, found that the petitioner committed cash and ticket irregularity, which amounts to misconduct. On the same day, the checking officials issued a charge memo. On 24.09.2003, the petitioner was kept under suspension and issued a charge sheet. On 27.09.2003, the petitioner submitted explanation to the charge sheet. Being not satisfied with the explanation submitted by the petitioner, the second respondent initiated disciplinary proceedings against the petitioner on 22.12.2003 by appointing an Enquiry Officer. After completion of the enquiry, the Enquiry Officer submitted a report holding that the petitioner committed cash and ticket irregularity. On 21.02.2004, the second respondent issued a show cause notice to the petitioner to explain why penalty of withholding of annual increment cannot be imposed against him. On 04.03.2004 the second respondent passed a final order with deferment of two annual increments with cumulative effect and the period of suspension was treated as 'not on duty'. Feeling aggrieved by the orders, the petitioner

herein filed an appeal before the second respondent - Divisional Manager on 20.03.2004.

At the time of arguments, learned counsel for the petitioner submitted that so far the concerned authority has not disposed of the appeal filed by the petitioner. Learned counsel further submitted that the Divisional Manager may be directed to dispose of the appeal filed by the petitioner on 20.03.2004 if the same is pending.

Having regard to the facts and circumstances of the case, the second respondent is hereby directed to dispose of the appeal filed by the petitioner on 20.03.2004 within two months from the date of receipt of copy of this order, if the same is pending.

With the above direction, the writ petition is disposed of. Consequently, the miscellaneous petitions if any pending in this writ petition shall stand closed.

April 19, 2016.
Rns

-

T.SUNIL CHOWDARY, J

-