

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.No.7776 of 2013

ORDER:

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This writ petition, filed under Article 226 of the Constitution of India, seeks the following relief:

“To issue an order or direction more particularly one in the nature of writ of Mandamus declaring the action of the 3rd respondent in without conducting any enquiry and by treating the earlier absence as misconduct, punishing the petitioner for life time by issuing the removal order vide Proc. E2 / 1(01) / 2012-RM-Q, dated 8-5-2012, which was confirmed by the Appellate Authority vide Proc No: PA/19(17)/2012-ED-KZ, dated 3-10-2012 is unjust and against to the principles of natural justice, contrary to well established principles of law and as such the punishment order is liable to be set aside in the interest of justice with a consequential direction to reinstate the petitioner into service and to pay the back wages along with all consequential benefits”.

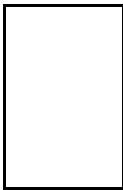
2. Today, when the matter is called, it is submitted by the learned counsel for the petitioner that the issue in the present writ petition is squarely covered by the order passed by this Court in W.P.No.31967 of 2011 dated 31.12.2015 and a copy of the same is placed on record by the learned counsel for the petitioner.

3. Following the above referred order and for the reasons recorded therein, this writ petition is allowed, setting aside the order of removal passed by the 3rd respondent vide proceedings No.E2/1(01)/2012-RM-Q dated 8.5.2012 as confirmed by the appellate authority-2nd respondent herein, to give quietus to the litigation, having regard to the period of absence of (2) days, ends of justice would be served if the punishment of withholding of one increment with cumulative effect is imposed, which shall operate from the date of order of removal. Consequent to the modification of punishment, all other steps be taken and completed within a period of eight weeks from the date of receipt of this order. As a sequel,

the miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

A.V.SESHA SAI, J

Date: 31.3.2016
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