

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

W.P.No.40559 of 2015

ORDER:

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

“To issue an appropriate writ or direction, particularly one in the nature of WRIT OF CERTIORARI, quash the impugned order of removal from service No. 02/95(27)/2014-KLKY, dated 16.02.2015 as well as the 2nd respondent Proc. No. PA/19(54)/2015-HZ, dated 15.10.2015 in so far as denying the past service and other benefits as arbitrary, unjust and in violation of Art. 14, 16 & 21 of the Constitution of India and consequently the petitioner pray this Court may be pleased to direct the respondents to treat the reinstatement into afresh as that of reinstatement with continuity of service along with attendant benefits and back wages in the interest of justice and fair play.”

2. Today, when the matter is called, it is represented by the learned counsel for the petitioner as also the learned Standing Counsel for Respondents that the issue in the present writ petition is squarely covered by the order passed by this Court in W.P.No.37079 of 2015 dated 25.11.2015 and a copy of the same is placed on record. The operative portion of the said order reads as under:

“Since the petitioner was removed from service on the allegation of cash and ticket irregularities and he has previously had similar misconduct, the relief that was granted by this Court in W.P.No.12857 of 2011, dated 28.04.2011, cannot be granted and the petitioner has to be imposed with more stringent punishment. In the facts of this case, I am of the opinion that interests of justice would be served, if the petitioner is imposed with the punishment of two increments with cumulative effect, while granting him continuity of service. However, he is also not entitled to claim monetary benefits or any other benefits for the period between removal from service to induction into service.

The Writ Petition is allowed accordingly. There shall be no order as to costs. Miscellaneous petitions, if any pending in this writ petition shall stand closed”.

3. Following the above referred order and for the reasons recorded therein, this writ petition is also allowed in terms of the above mentioned order dated 25.11.2016 in W.P.No.37079 of 2015. 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: 18.4.2016

Note:

Office to annex copy of the order
in W.P.No.37079 of 2015 dated 25.11.2016
while dispatching this order.

B/o
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THE HON'BLE SRI JUSTICE A.V.SESHA SAI

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18.4.2016

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