

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition Nos. 21224 of 2013 and 19704 of 2016

Common Order:

These two Writ Petitions are being disposed of by this common order as they are filed by the same petitioner.

2. W.P.No.21224 of 2013 was filed seeking a direction to the respondents to re-fix the petitioner's salary after taking into account the increments due to him and pay the arrears of salary for the period the petitioner was put under suspension.

3. W.P.No.19704 of 2016 was filed challenging the action of the respondents in not releasing the increments for the period from 2006 till date (by excluding two increments which were stopped as a measure of punishment) and not releasing Special Promotion Scales even after completion of 12 years and 18 years of service.

4. The case of the petitioner is that he was appointed as Workshop Artisan on 11.10.1991 after due process of selection and posted in the second respondent-College. While so, a criminal case was registered against him and in view of the same he was kept under suspension with effect from 26.10.2006. He was reinstated into service on 29.03.2009. He was acquitted in the criminal case in CC No.194 of 2009 by the learned Special Mobile Judicial Magistrate of First Class, at Kakinada, on 03.04.2012. The said order has become final. When the increments during the suspension period from 26.10.2006 to 28.03.2009 were not paid, the petitioner filed WP No.21224 of 2013. And again he was placed under suspension on 29.06.2009. With regard to first period of suspension there was no punishment, but with regard to subsequent suspension on 29.06.2009 the punishment of stoppage of two increments with cumulative effect was imposed on 22.01.2010. The petitioner was reinstated into service. In the light of the above facts, when the two spells of suspension and the

punishment was not regulated and arrears were not paid, the petitioner filed the above two Writ Petitions.

5. A counter affidavit is filed stating that in view of the theft of Computers and floor tiles a complaint in Crime No.277 of 2006 was registered by the Sarpavaram Police on the complaint given by the second respondent. The petitioner was apprehended and tried in CC No.194 of 2009 by the learned Judicial Magistrate of First Class-cum-Special Mobile Magistrate, Kakinada and it ended in acquittal on 03.04.2012. During the period of suspension the petitioner was paid subsistence allowance based on a direction issued by this Court in WP No.1507 of 2008, dated 08.04.2009. He was kept under suspension from 26.10.2006 to 28.03.2009 and he joined duty on 31.03.2009. He has been receiving the pay and allowances regularly after his reinstatement as per G.O.Ms. No.526, dated 19.08.2008. During the pendency of CC No.194 of 2009 the petitioner forged the signature of the Principal of the second respondent-College and hence he was placed under suspension with effect from 29.06.2009. The disciplinary proceedings were initiated against him. On the basis of the recommendations of the committee consisting of four members, who found him guilty for the offence of forgery, a punishment of stoppage of two increments with cumulative effect was imposed on him. The said proceedings have become final.

6. Thus, the facts in this case are not disputed. The only dispute is with regard to settlement of the case of the petitioner pursuant to two spells of suspension and the subsequent imposition of punishment of stoppage of two increments with cumulative effect. The pay of the petitioner has to be regulated by taking into account the said punishment. The petitioner states that his pay is not regulated and he has not given Special Promotion Scale even after completion of 12 years and 18 years of service. This requires some calculation and decision by the administrative authorities.

7. In the circumstances, without expressing any opinion on the merits of the case, the respondents are directed to consider the case of the petitioner by taking into account the period of suspension and the punishment imposed against him and pass appropriate orders regulating the period of suspension, pay and allowances for the said period, implementation of Special Promotion Scales consequent to his completion of 12 years and 18 years of service by taking into account the imposition of punishment of stoppage of two increments with cumulative effect, as expeditiously as possible, but not later than three (3) months from the date of receipt of a copy of this order.

8. Both the Writ Petitions are, accordingly, disposed of. There shall be no order as to costs.

9. As a sequel thereto, the miscellaneous applications, if any, pending in these Writ Petitions shall stand closed.

A.
Date: 26.07.2016
Nsr

RAMALINGESWARA RAO, J