

HONOURABLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.17524 of 2016

ORDER:

1. The petitioner joined as Sub-Engineer on 28.10.1992 at Mini Hydel Power Station, Chettipeta Nidadavolu, West Godavari District. Thereafter, he was promoted as Additional Assistant Engineer on 06.12.2001 and posted in Ramanakkapeta, Nuziveedu division, Krishna District. Presently he is working as Additional Assistant Engineer, office of the Divisional Electrical Engineer, Construction and Operation APEPDCL Paderu, Visakhapatnam District. He was kept under suspension on 30.04.2008 pursuant to a raid by the Anti Corruption Bureau. The disciplinary proceedings ultimately ended with a minor punishment of stoppage of one increment without cumulative effect vide proceedings dated 25.07.2011. As against the same, the petitioner preferred an appeal to the Director, Eastern Power Distribution Company of A.P. Limited, but the appeal was dismissed confirming the punishment. Thereafter, he was again kept under suspension by the Superintending Engineer, Operation Circle, Eluru, by proceedings dated 28.02.2013. Subsequently, he was reinstated into duty on 22.08.2014 pending finalization of the disciplinary proceedings. In the disciplinary proceedings, he was awarded with a minor punishment of stoppage of two annual grade increments without cumulative effect by final orders dated 23.04.2015. The said order has become final. Thus, he was awarded with a punishment of withholding of one annual grade increment without cumulative effect on one occasion and withholding of two annual grade increments without cumulative effect on another occasion. The petitioner states that his annual grade increments are not sanctioned since 2009. Even assuming that the punishments can be carried out, he is entitled for three annual grade increments as the punishments are for withholding of three annual grade increments without cumulative effect. At the request of the petitioner, the Employees Welfare Association submitted a representation on 18.01.2016 to the Divisional Electrical Engineer,

Construction and Operation, APEPDCL, Paderu, who in turn forwarded his request to the Superintending Engineer, Operation Circle, Visakhapatnam on 04.02.2016. Thereafter, the Superintending Engineer, Operation Circle, APEPDCL, Visakhapatnam, vide his proceedings dated 29.03.2016 requested the Chief General Manager/HRD, APEPDCL, Visakhapatnam, to issue necessary instructions in the matter. At that stage, when the matter was pending, the present writ petition was filed.

2 . This Court ordered notice before admission on 06.06.2016 and the case is listed today. The learned Standing Counsel for the respondents, on instructions, submits that he has no objection if the Chief General Manager (3rd respondent) before whom the proceedings are pending is directed to consider the same and pass appropriate orders.

3. In view of the same, this Writ Petition is disposed of directing the 3rd respondent to consider the representation dated 18.01.2016 forwarded by the Divisional Electrical Engineer, Construction and Operation, Paderu, (5th respondent) on 04.02.2016 and endorsed by the Superintending Engineer, Operation Circle, Visakhapatnam (4th respondent) on 29.03.2016 and pass appropriate orders thereon within a period of three months from the date of receipt of a copy of this order. No order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

A.RAMALINGESWARA RAO, J

04-07-2016
Gsn