

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.20508 of 2001

Date :16.2.2016

Between :

C Satyanarayana S/o S Kistaiah

Gandhinagar colony, R/o Shadnagar

Mehboobnagar

Petitioner

And

The Chairman cum Managing Director,

AP Transco, Vidyut Soudha, Khairtabad, Hyderabad and another

Respondents

The Court made the following:

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ORAL ORDER:

Petitioner joined service as Lineman in the erstwhile APSEB, he earned promotions as Sub Overseer, Overseer, Assistant Section Officer and as Additional Assistant Engineer. While he was working as Additional Assistant Engineer, he was visited with punishment of withholding of two increments with cumulative effect by proceedings dated 6.4.1995, as confirmed by the Appellate Authority by its proceedings dated 7.4.1997. This punishment was challenged in W P No. 17394 of 1997. This Court having found that major punishment was imposed without holding enquiry and following due process, set aside the punishment imposed, granting liberty to the disciplinary authority to proceed against the petitioner in accordance with law, if so, advised.

2. This writ petition is filed praying to release the increments due and payable to the petitioner from the year 1995.

3. Learned counsel for petitioner contends that since earlier punishment is set aside by this Court, petitioner is entitled to annual increments due and payable from the year 1995 and not paying the annual increments is illegal. Learned counsel further submits that though disciplinary proceedings were initiated, after dismissal of the writ petition, they are not concluded before the retirement of the petitioner from

service.

4. In the counter affidavit, it is averred that as a consequence to the directions issued by this Court, disciplinary proceedings were initiated by serving charge memo dated 22.2.1999 and enquiry officer was also appointed. Enquiry Officer conducted the enquiry and submitted his report. After going through the enquiry report, the disciplinary authority proposed to impose punishment of stoppage of two increments with cumulative effect and addressed the Government for its advice. By the time counter affidavit is filed, the advice of the Government was still awaited.

5. It is thus clear that at least by April,2002 no punishment was imposed against the petitioner. According to learned counsel for petitioner, till retirement of the petitioner, no punishment was imposed. Be that as it may, as a consequence to setting aside the punishment imposed earlier, petitioner is entitled to annual increments due and payable from the year 1995.

Non payment of annual increments on the mere ground that disciplinary proceedings are pending is ex-facie illegal.

6. Thus, writ petition is allowed. Respondents are directed to release the annual increments due and payable to the petitioner from the year 1995 till his retirement. No costs. Having regard to the same, miscellaneous petitions, if any pending, are closed.

P NAVEEN RAO,J

DATE: 16.2.2016

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HONOURABLE SRI JUSTICE P. NAVEEN RAO

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