

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND
HON'BLE SRI JUSTICE G.SHYAM PRASAD

WRIT PETITION No.21091 of 2016

Date:30.6.2016

Between:

The State of Telangana, repled by its
Special Chief Secretary, Rural Water
Supply & Sanitation Department,
Hyderabad and two others.

.....Petitioners

And:

U.S.N.Murthi, Executive Engineer,
and another.

....Respondents

Counsel for the petitioners: GP for Services (TS)

Counsel for Respondent No.1: Mr. S.Gopala Rao

The Court made the following:

ORDER: (per Hon'ble Sri Justice C.V.Nagarjuna Reddy)

This Writ Petition is filed for a *Certiorari* to quash order, dated 02.04.2014, in O.A.No.5927 of 2013 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad (for short 'the Tribunal').

Mr. S.Gopala Rao, learned counsel for respondent

No.1, made valiant efforts to convince this Court that the impugned order of the Tribunal does not call for interference.

However, on a perusal of the impugned order of the Tribunal, we feel that it suffers from a serious error in that, while it is clearly mentioned in the charge that the misconduct alleged therein was committed for the personal gain of respondent No.1, the Tribunal has repeatedly held that there were no allegations of *mala fides* against him. Yet another ground on which the Tribunal has set aside the order of petitioner No.2 imposing the punishment of withholding of three increments without cumulative effect is that no proper reasons were recorded. If that be so, the Tribunal ought to have remanded the matter to petitioner No.2 for fresh consideration. As we have proposed such a course, Mr. S.Gopala Rao, learned counsel for respondent No.1, submitted that his client has no objection if he is considered for promotion with effect from the date on which he has completed the period of penalty instead of being considered on par with his juniors. Since the petitioners have already sanctioned and paid the increments to respondent No.1 in pursuance of the impugned order, we do not propose to disturb the order of the Tribunal with regard to the payment of increments to him.

Subject to the modification of the impugned order of the Tribunal to the extent that respondent No.1 shall be considered for promotion prospectively with effect from the date on which he has completed the period of penalty, the Writ Petition stands disposed of.

As a sequel to disposal of the Writ Petition, WPMP.No.25863 of 2016 filed by the petitioners for interim relief is disposed of as infructuous.

*JUSTICE C.V.NAGARJUNA
REDDY*

JUSTICE G.SHYAM PRASAD

*30th June 2016
DR*