

**THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO**

**WRIT PETITION No.34128 of 2012**

**ORDER:**

Petitioner is employed as Lineman 33/11KV SS, C.S.Puram, Kanigiri Division, Prakasam District.

2. There were certain allegations against petitioner when he was working as Assistant Lineman in Veligandla Sub-station. A vigilance enquiry was ordered by the Chief General Manager, HRD to inquire into the said allegations, which allegedly revealed that petitioner took bribe from ryots, on the basis of which, a recommendation was made to transfer the petitioner to far away place.

3. Thereafter petitioner was transferred from Veligandla Sub-station to Podili Sub-station on 28-08-2006 with a direction to report to duty to Assistant Engineer, Operation, Podili.

4. Alleging that petitioner did not report to duty at Podili Sub-station in spite of the fact that he was relieved on 29-08-2006 and that he joined only on 13-12-2006, disciplinary proceedings were initiated against petitioner for unauthorized absence from 08-09-2006 to 12-12-2006. Petitioner submitted a reply to the said show cause notice and thereafter a final order was passed treating the absence period as *Dies-Non* on 13-02-2007. This order was appealed by petitioner to the 1<sup>st</sup> respondent.

5. Petitioner contends that while his appeal dt.11-04-2007 is pending, the 2<sup>nd</sup> respondent has not only postponed his increments from 24-03-2007 to 06-07-2007 but also deducted a sum of Rs.7,135/- towards excess increment arrears from his salary vide the impugned order dt.15-09-2012.

6. Learned counsel for petitioner contends that the action of 1<sup>st</sup> respondent in keeping the appeal of the petitioner filed on 11-04-2007 pending till date without deciding it, is arbitrary and illegal and in the meantime, the 2<sup>nd</sup> respondent ought not to have passed the impugned order.

7. In the counter-affidavit filed by respondents, it is stated that the appeal filed by petitioner treating his period of absence from 29-08-2006 to 12-12-2006 as *Dies-Non* is still pending consideration and there is nothing wrong in passing the impugned order dt.15-09-2012.

8. Admittedly, there was no stay granted by the 1<sup>st</sup> respondent of the order passed in Memo dt.29-12-2006 treating the absence period from 29-08-2006 to 12-12-2006 as *Dies-Non*. It is unfortunate that the said appeal has been kept pending for almost 9 years without deciding it.

9. Therefore, the 1<sup>st</sup> respondent is directed to decide the said appeal within two (02) months from the date of receipt of a copy of this order, if not already disposed of, and the postponement of

increment of petitioner and recovery of excess increment arrears alleged by the petitioner would be abide by the result of the appeal pending before the 1<sup>st</sup> respondent.

10. The Writ Petition is disposed of directing the 1<sup>st</sup> respondent to decide the appeal dt.11-04-2007 filed by petitioner within two (02) months from the date of receipt of a copy of this order and the petitioner is granted liberty to question the said order of the 1<sup>st</sup> respondent, in case it is adverse to the petitioner. No costs.

11. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

Date: 22-11-2016  
Vsv/\*

**JUSTICE M.S.RAMACHANDRA RAO**

