

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.29255 of 2017

ORDER:

The petitioner initially joined the service in Civil Supplies Corporation when the State was united on 08.10.1982 as Assistant Grade-III. He was promoted as Assistant Grade-II in May, 1989 and he was further promoted as Assistant Grade-I in December, 2005. He was promoted as Assistant Manager (G) in June, 2011 and now he states that he is eligible for promotion as Senior Officer Grade-II. While working as Assistant Manager (G) at Sangareddy, he was caught by the Anti Corruption Bureau (ACB) and a case was registered against him. Now, he stated that the charge sheet was also filed in the said case.

2. In view of the said ACB case, the petitioner was initially kept under suspension by proceedings, dated 23.09.2013. Later on, the same was revoked on 27.06.2015. After bifurcation of the State, now he is transferred to the second respondent Corporation and he is working under the control of the second respondent. When the period of suspension from 23.09.2013 was not regularized and increments were not released, he filed the present Writ Petition.

3. The first respondent filed counter-affidavit stating that the petitioner was caught red-handed by the ACB and a case was registered against him in Crime No.20/RCT-NMD/2013, for the offence punishable under Sections 7 and 13 (1)(d) read with 13 (2) of the Prevention of Corruption Act, 1988. The petitioner was sent to judicial custody on 17.09.2013 and he was placed under suspension from 23.09.2013. The increments of the period fall due on the first day of every year and in view of suspension, the period was not counted for grant of increments. The petitioner was under judicial custody from 17.09.2013 to 01.10.2013. A charge sheet was also filed against the

petitioner on 28.02.2017 and the case is coming up for trial. The petitioner was transferred to the second respondent Corporation on 28.12.2015 and he is working there. It is stated that since the petitioner was under suspension, the increments for the year 2014-2015 were not released in terms of FR 24 (5)(a). Regarding promotion to the post of Senior Officer Grade-II, it is stated that no promotions were given to the employees during year 2014-2016 after bifurcation of the State. The petitioner was relieved from the respondent Corporation on 07.01.2016.

4. In spite of several adjournments, the second respondent has not filed any counter.

5. In view of the above facts, since the petitioner is working with the second respondent, it is for the second respondent Corporation to regularize the period of suspension.

6. In the circumstances, the Writ Petition is disposed of directing the respondents, more particularly, the second respondent to pass appropriate orders on the grievance of the petitioner with regard to regularization of suspension period and also release of the increments consequent to reinstatement on 04.07.2015, in accordance with law, within a period of three (03) months from the date of receipt of a copy of this order.

Miscellaneous petitions, if any, pending in these writ petitions, shall stand closed. There shall be no order as to costs.

A.RAMALINGESWARA RAO, J

DECEMBER 04, 2017

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Date: 04.12.2017

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