

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.3060 of 2008

ORDER:

It is the case of the petitioner that he joined the respondent company in the year 1973 in the post of Helper. He was promoted from one post to another and at the time of filing of the Writ Petition, he was working as Line Inspector serving at Domakonda Rural, Bibipet, Nizamabad District. While so, he was issued a show-cause notice by the second respondent on 08.08.2005 with regard to an irregularity in granting two fresh service connections to the same door numbers, without collecting arrears. He submitted his explanation, but, without conducting any enquiry, an order was passed on 16.03.2006 imposing penalty of 'postponement of two increments with cumulative effect'. He filed an appeal to the first respondent and the first respondent confirmed the same in appeal. He preferred a Review Petition before the Board, which is a competent authority, and it also confirmed the orders of respondents 1 and 2. When a Review Petition was dismissed on 01.01.2008, the petitioner filed the present Writ Petition.

2. None appeared nor any counter-affidavit is filed on behalf of the respondents.

3. A reading of initial order of punishment, dated 16.03.2006, shows that the petitioner was issued a show-cause notice on 08.08.2005 proposing to impose punishment of 'postponement of two increments with cumulative effect' for certain lapses noticed in DPE report. The petitioner submitted his explanation on

11.11.2005. After considering the explanation, punishment was imposed on 16.03.2006. It is clear from the above order that no enquiry was conducted before imposing punishment of postponement of two increments, which is a major penalty. Since the second respondent passed order on 16.03.2006 without conducting any enquiry, which was confirmed by the first respondent, this Court is constrained to set aside the orders of the first respondent as well as second respondent, dated 21.03.2007 and 16.03.2006 respectively and allow the writ petition.

4. Accordingly, the Writ Petition is allowed setting aside the orders of the first respondent as well as second respondent, dated 21.03.2007 and 16.03.2006 respectively. Since the petitioner was allowed to retire from service and now there is no possibility for conducting enquiry also, in the circumstances, the pay of the petitioner shall be revised consequent to allowing of the Writ Petition and the pension of the petitioner shall be settled accordingly.

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

A.RAMALINGESWARA RAO, J

DECEMBER 26, 2017

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Date: 26.12.2017

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