

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No. 723 of 2008

Order:

The petitioner was initially appointed as Helper which is now re-designated as Junior Lineman, by an order dated 16.07.1997. While so, a show cause notice was issued on 16.07.2003 pursuant to an observation by the Vigilance Wing. The petitioner submitted his explanation on 04.09.2003, but the first respondent passed an order on 23.07.2005 imposing punishment of withholding one increment without cumulative effect. He preferred an appeal and the same was dismissed on 04.08.2005. Challenging the original order of punishment dated 23.07.2005 and the appellate order dated 04.08.2005, the petitioner filed W.P.No.20838 of 2005 and the said Writ Petition was allowed on 01.12.2005 and while allowing the said Writ Petition, this Court remanded the matter to the second respondent for fresh consideration. After remand, fresh proceedings were initiated by the second respondent who appointed the Divisional Engineer as an Enquiry Officer to enquire into the allegations against the petitioner and others. After submission of the enquiry report, the second respondent by his order dated 16.09.2006 imposed the punishment of postponing one increment without cumulative effect. Against the said order, the petitioner preferred an appeal to the first respondent and the first respondent confirmed the said order of punishment by his order dated 29.03.2007. The present Writ Petition is filed challenging the said orders.

The only point raised by the learned counsel for the petitioner is that the second respondent is incompetent to initiate enquiry proceedings and impose the punishment of postponing one increment without

cumulative effect on the petitioner. But, when an enquiry was conducted against the petitioner, no such point was raised by the petitioner. He suffered the order and the appellate order also and raised the said point for the first time. However, learned counsel for the respondents submits that as per the service rules applicable to the petitioner, the higher authority also can initiate the proceedings and pass orders. He relied on Rule 7(e) of the Service Rules applicable to the petitioner. Hence, on both the counts, this Court does not see any ground to interfere with the impugned orders.

The Writ Petition is, accordingly, dismissed. There shall be no order as to costs.

As a sequel thereto, the miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

Date: 05.12.2017
Nsr

A. RAMALINGESWARA RAO, J

