

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.24532 of 2005

ORDER:

This Writ Petition is filed by the petitioner under Article 226 of the Constitution of India, for the following relief:

“To call for the records proceedings No.B5/ 1634/ 2005-06, dated 31-10-2005 issued by the 4th respondent on behalf of the Board and connected records and quash the portion of the punishment of stoppage of 5 annual grade increments with cumulative effect and also set aside awarding of the cost against the petitioner a sum of Rs.1,62,250/- and interest 18% P.A. from the date of embezzlement of bank funds till the date of remittance, as illegal and arbitrary and consequently, direct the respondents to treat the period of suspension till the date of reinstatement as on duty with all consequential, monetary and service benefits.”

While admitting the writ petition on 17.11.2005, this Court passed the following interim order in WP MP No.31536 of 2005:

“the petitioner was dismissed from service by the appointing authority. In the appeal preferred by him, the appellate authority modified the order of dismissal to the one of stoppage of five increments with cumulative effect. The petitioner was also required to remit a sum of rs.1,62,250/-.

Pending further orders, it is directed that the petitioner shall be reinstated into service, on his depositing a sum of Rs.1,00,000/- (Rupees one lakh only). On such reinstatement, his salary shall be fixed in accordance with the order, dated 31.10.2005.”

The petitioner, who is a Staff Assistant in Karimnagar District Cooperative Bank, was dismissed from the service of the Bank, vide proceedings dated 28.07.2004 on the ground of embezzlement of funds. By the said proceedings he was also asked to remit the amount of Rs.3,25,500/-, together with interest @ 18% interest per annum. The

petitioner filed WP No.15932 of 2004 before this Court and the same was disposed of vide order dated 29.06.2005 directing the petitioner to prefer an appeal before the Board of Directors. Accordingly, the petitioner preferred an appeal and the appellate authority after thorough verification of the material on record, directed reinstatement of the petitioner with a punishment of stoppage of five annual grade increments with cumulative effect and also directed the petitioner to remit an amount of Rs.1,62,250/- with interest at 18% per annum. Challenging the same, the present writ petition is filed.

When the matter is taken up for hearing, it is represented by the learned counsel for the petitioner that during pendency of the matter, subsequent developments have taken place and the petitioner was punished with stoppage of five annual increments and also a penalty of Rs.5,000/-. The petitioner instead of preferring a fresh writ petition, filed additional material papers informing the subsequent developments and also informed that the petitioner was exonerated in the proceedings under Section 60 of the Cooperative Societies Act. After arguing for some time, learned counsel for the petitioner requested this Court to direct the respondents to consider the case of the petitioner afresh in view of the subsequent developments that have taken place, which are not challenged before this Court.

Considering the said facts and circumstances of the case, the petitioner is directed to prefer a representation before the authorities concerned informing the subsequent developments, and on filing such representation, the authority concerned is directed to pass appropriate orders in accordance with law within a period of eight (8) weeks.

Accordingly, the Writ Petition is disposed of. There shall be no order as to costs. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

RAJA ELANGO, J

September 18, 2017.
KTL

