

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 24360 of 2001

ORDER:

This writ petition is filed seeking a writ of mandamus declaring the Memo, dated 28.02.2000 issued by the 2nd Respondent, confirming the order of punishment issued by the 4th Respondent, vide Memo, dated 26.10.1998, as unreasonable and violative of Articles 14, 21 and 300A of the Constitution of India, and consequently sought to release the increment, which was imposed as a measure of punishment, without cumulative effect.

2. Heard Sri A. Sreedhar, learned counsel for the petitioner, and the learned Standing Counsel for the Respondents.

3. It is the case of the petitioner that while he was working as a Senior Assistant at Rajole, the disciplinary authority had issued a Memo dated 27.08.1996 alleging certain irregularities, and the petitioner has submitted an explanation. Not satisfied with the said explanation, the disciplinary authority has imposed the punishment of stoppage of one increment without cumulative effect, vide orders dated 26.10.1998. Therefore, the petitioner had preferred an appeal to the appellate authority, and the appellate authority had confirmed the punishment orders imposed on the petitioner, vide the impugned orders dated 28.02.2000. Challenging the same, the present writ petition is filed.

4. Learned counsel for the petitioner contends that the disciplinary authority as well as the appellate authority has mechanically imposed the punishment of stoppage of one

increment without cumulative effect, even though the petitioner is not at all responsible for the irregularities alleged, and seeks indulgence of this Court and set aside the punishment orders imposed by the authorities.

5. Learned Standing Counsel for the Respondent-authorities contends that the Respondents have rightly imposed the punishment for the lapses committed by the petitioner and that the impugned order needs no interference by this Court.

6. It is further reiterated by the learned counsel for the petitioner that the petitioner has retired from service almost ten years back and the consequence of stoppage of one increment without cumulative effect would mean that the increment will be stopped only for one year and after currency of the said punishment period, the increments will be automatically released to the petitioner, but, the subsequent increments were also not released to the petitioner, since the petitioner has already retired from service, and the punishment has worked on its own, the petitioner would be entitled for all increments, but for that one year during the currency of punishment period. I do not find any reason to interfere with the impugned order.

7. Therefore, the writ petition is dismissed. However, it is needless to say that the petitioner is entitled for increments after expiry of currency of the punishment period of one year, and the respondent-authorities are directed to release the subsequent increments to which the petitioner is entitled, in accordance with

law. As a sequel, the miscellaneous applications pending, if any, shall stand closed. There shall be no order as to costs.

Abhinand Kumar Shavili, J

December 13, 2017

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