

**HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND
HON'BLE SRI JUSTICE M.S.K.JAISWAL**

WRIT APPEAL Nos. 1131 and 1146 OF 2017

Date: 11.09.2017

WRIT APPEAL No. 1311 OF 2017

Between:

Ideal College of Arts & Sciences,
Rep. by its Secretary & Correspondent
(A.P. Govt. Autonomous College), Samalkot Road,
Kakinada and another.

..... Appellants

And:

Dr.Mrs. K. Hemalatha,
Indrapalem, Kakinada, E.G. District, and others.

.....Respondents

Counsel for the Appellants: Sri P. Suresh

Counsel for Respondent No.1: Sri J. Sudheer

Counsel for Respondent Nos.2 to 4: G.P for Services (A.P)

Counsel for Respondent No.5: Sri E.V.V.S. Ravi Kumar

WRIT APPEAL No. 1146 OF 2017

Between:

D. Balaram Raju,
Kakinada, East Godavari District.

..... Appellant

And:

Dr.Mrs.K. Hemalatha,
Kakinada, East Godavari District.

.....Respondents

Counsel for the Appellant: Sri E.V.V.S. Ravi Kumar

Counsel for Respondent No.1: Sri J. Sudheer

Counsel for Respondent Nos.2 to 4: G.P for Services (A.P)

Counsel for Respondent Nos.5&6: Sri P. Suresh

The Court made the following:

COMMON JUDGMENT *(Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)*

Both these writ appeals arise out of order dated 11.07.2017 in W.P.M.P.No.6971 of 2017 in W.P.No.5716 of 2017.

W.A.No.1131 of 2017 is filed by respondents 4 and 5 and W.A.No.1146 of 2017 is filed by respondent No.6 in the aforementioned writ petition. By the order of the learned Single Judge impugned in these writ appeals, the appointment of the appellant in W.A.No.1146 of 2017 was suspended.

By order dated 21.08.2017, this Court while admitting the writ appeals passed a detailed order in W.A.M.P.No.2158 of 2017 in W.A.No.1131 of 2017 suspending the order of the learned Single Judge. As observed by us in the aforementioned order dated 21.08.2017, the main ground on which the writ petitioner/respondent No.1 was overlooked for promotion was that she suffered the penalty of withholding of one increment without cumulative effect and therefore as per G.O.Ms.No.342, General Administration (SER.C) Department, dated 04.08.1997, the effect of stoppage of one increment without cumulative effect is that such employee is debarred for promotion/appointment by transfer to a higher post during the subsistence of penalty. Admittedly, the writ petitioner/respondent No.1 has not challenged the penalty imposed upon her.

In the light of the above facts, and for the detailed reasons mentioned in order dated 21.08.2017 in W.A.M.P.No.2158 of 2017 in W.A.No.1131 of 2017, the order of the learned Single Judge is not sustainable and the same is set aside. The writ appeals are accordingly allowed. However, it is made clear that this order will not preclude respondent No.1 from assailing the order of penalty

imposed on her and in the event of her success in such proceedings she may be entitled to all consequential benefits.

As a sequel, W.A.M.P.No.2158 of 2017 in W.A.No.1131 of 2017 and W.A.M.P.No.2190 of 2017 in W.A.No.1146 of 2017 stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

M.S.K.JAISWAL, J

Date: 11.09.2017
va

