

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.16443 OF 2017

DATED : 28.04.2017

Between :

Dattu Panth S/o.Kalyan Rao,
Aged about 53 yrs, Occu : Executive Engineer,
Kapra Circle, Greater Hyderabad Municipal Corporation,
Hyderabad.

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Petitioner

And

The State of Telangana,
Rep., by its Principal Secretary to Government,
Municipal Administration and Urban Development Department
D-Block, 1st Floor,
Telangana Secretariat,
Hyderabad – 500 022 & another

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Respondents



This court made the following :

THE HON'BLE SRI JUSTICE P.NAVEEN RAO**WRIT PETITION No.16443 of 2017****ORDER :**

Heard.

2. Petitioner was placed under suspension by order dated 29.11.2007. On review, suspension was revoked by order dated 18.08.2008. On 25.11.2009, charge memo was drawn and served on the petitioner.

3. According to the learned counsel for petitioner, there is no further progress in the enquiry. Though petitioner is reinstated and is working the annual increments due and payable to him are not released and the benefits of revised pay scales are not extended.

4. By placing reliance on the decision of the Division Bench of this Court in W.P.No.6617 of 2004 dated 4.11.2004, where under, it was held that increments cannot be denied merely because disciplinary proceedings are pending. Learned counsel also submitted that an employee cannot be denied the application of revised pay scales merely because disciplinary proceedings are pending.

5. A perusal of the averments made in the affidavit filed in support of the writ petition does not disclose that the petitioner has ventilated his grievance and drawn the attention of the competent authority of his claim for release of annual increments and extension of benefits of revised pay scales.

6. Having regard to the same, the writ petition is disposed of, granting liberty to the petitioner to submit a detailed representation to the Engineer-in-Chief (2nd respondent) explaining his entitlement as per the law laid down by this Court and the Hon'ble Supreme Court. As and when such representation is made, the 2nd respondent shall examine the same and pass appropriate orders within a period of six (6) weeks from the date of receipt of such representation. In the event of holding that the petitioner is entitled to the increments and application of revised pay scales, the same shall also be released without further delay. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

28th April, 2017
Rds

P.NAVEEN RAO,J

