

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.26981 OF 2017

ORDER:

This writ petition is filed challenging the proceedings dated 05.08.2016 issued by the 3rd respondent.

Learned counsel for the petitioner submits the petitioner was suspended by the 4th respondent pending enquiry on 29.11.2009 on the allegation of misappropriation of certain amounts in the construction of school building at U.P.S.Vailapalli and that on the same set of facts a criminal case in CC.No.57/2011 was registered against the petitioner and subsequently, he was acquitted in the said criminal case on 21.07.2014. Thereafter, on 28.10.2014, in view of the said acquittal in the criminal case, the petitioner submitted representation to the 4th respondent requesting to reconsider punishment and regulate the suspension period for paying the salary and to release two annual grade increments and to pay back the recovered amount. But, the 3rd respondent in the impugned proceedings stated as if the petitioner made appeal after a period of four years for reconsidering the punishment of stoppage of annual grade increments. Aggrieved by the same, present writ petition is filed.

Heard learned Government Pleader for Services.

Actually, the petitioner made only representation to reconsider the punishment imposed on him, in view of his acquittal in CC.No.57/2011 which was filed on the same set facts of the disciplinary proceedings. A reading of the impugned proceedings

dated 05.08.2016 goes to show that the respondents have not considered the representation of the petitioner dated 28.10.2014 in proper perspective. In view of the same, the impugned order dated 05.08.2016 is set aside and without expressing any opinion on merits, the competent authority is directed to consider the representation of the petitioner dated 28.10.2014, in accordance with law and take action accordingly.

Accordingly, the writ petition is disposed of. No order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

21.08.2017
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A.RAJASHEKER REDDY,J