

THE HON'BLE SRI JUSTICE A.RAJASHEKHER REDDY

WRIT PETITION No.29390 OF 2017

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed with the following prayer:

“... by the petitioner seeking to issue an appropriate Writ, Order or Direction, more particularly one in the nature of a Writ of Mandamus by declaring the action of the respondents 3 and 4 in imposing the punishment of postponement of one increment with effect on future increments and pension and confirming the same vide C.No.151/PR/OE/1983 (D.O.No.1720/1984) dated 20.10.1984 and C.No.89/APP/A/2015 (R.O.O.No.298/2015) dated 03.09.2015 respectively as illegal and arbitrary and consequently hold that the petitioner is entitled to have his pension re-fixed and be paid arrears of revised pay and pension duly regularizing the suspension period as on duty with all attendant benefits...”

2. Heard the submissions of the learned counsel for the petitioner and of the learned Assistant Government Pleader for Home (TG).

3. The case of the petitioner, in a nutshell, is as follows:

The petitioner was initially appointed as Armed Reserve Police Constable with effect from 24.06.1979 and thereafter, retired from service as Armed Reserve Sub-Inspector. On a Charge Memo, dated 18.01.1984, issued by the Enquiry Officer i.e., the Sub-Divisional Police Officer, Karimnagar alleging that the petitioner was absent for 15 days without prior leave or permission, the petitioner submitted an explanation denying the allegations levelled against him. After due enquiry, the 4th respondent issued proceedings vide C.No.151/PR/83 (d.o.No.1720/1984), dated 20.10.1984, imposing punishment of

postponement of one increment with effect on future increments and pension; the period of absence from 30.07.1983 to 23.08.1983 has been treated as Leave without pay; the period of suspension was treated as not on duty. Thereafter, the petitioner was released from suspension from the date of reporting to duty. Questioning the said proceedings of the 4th respondent, the petitioner preferred an appeal before the 3rd respondent. The said appeal was rejected vide proceedings in C.No.89/APP/A/2015 (R.O.O.No.298/2015) dated 03.09.2015.

4. Learned counsel for the petitioner submits that the 3rd respondent rejected the appeal preferred by the petitioner, but in the line above the order of rejection, it reads as, 'increment for one year without effect on future increments and pension'. Learned counsel further submits that the said observation of the 3rd respondent is not clear as to whether the petitioner was granted the relief or not.

5. The operative portion of the order impugned passed by the 3rd respondent reads as follows:

“After careful consideration of the appeal petition and material on record, the punishment of Postponement of Increment for one year without effect on future increments and pension. Hence, this appeal petition is considered and rejected.”

6. A careful reading of the impugned order goes to show that the relief, in fact, was granted to the petitioner by the 3rd respondent by modifying the punishment as postponement of increment for one year without effect on future increments and pension.

7. In the facts and circumstances, this Court deems it appropriate to dispose of the writ petition with appropriate modification in the order impugned.

8. Accordingly, the writ petition is disposed of modifying the operative portion of the order impugned to the extent of substituting the words, “appeal petition is considered and disposed of” in the place of, “appeal petition is considered and rejected”. There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

August 31, 2017
Lmv

JUSTICE A. RAJASHEKHAR REDDY

