

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND

THE HON'BLE SRI JUSTICE M.S.K.JAI SWAL

WRIT APPEAL No.491 of 2017

22.08.2017

Between:

S.Venkata Swamy

..Appellant

and

Northern Power Distribution Company of Telangana Limited,
represented by its Chairman & Managing Director,
Warangal and others

..Respondents

Counsel for the appellant: Mr.D.Linga Rao

Counsel for the respondents: Mr. Zakir Ali Danish,
standing counsel for T.S.N.P.D.C.L.

The Court made the following:



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

In limine dismissal of W.P.M.P.No.3874 of 2017 pending W.P.No.3277 of 2017 by the learned Single Judge is assailed in this writ appeal.

2. Mr.D.Linga Rao, learned counsel for the appellant, has submitted that one of the main grounds on which his client sought for interim suspension of the order imposing the penalty of withholding of two increments without cumulative effect was that the two other co-delinquents were completely exonerated, though the charges against them were also same. Ordinarily, we would not entertain a writ appeal filed against an interim order of this nature. However, we find from the order of the learned Single Judge that the submissions of the learned counsel for the appellant have not been recorded and that no reasons have been recorded, while dismissing the aforementioned W.P.M.P., except the reason that the relief claimed in the W.P.M.P. cannot be granted unless the writ petition is heard and decided. If the respondents have indulged in indiscrimination in imposing penalty among the co-delinquents, that would certainly be a ground for being considered by the Court for granting interim relief.

3. In the above view of the matter, the order under appeal is set aside. W.P.M.P.No.3874 of 2017 in W.P.No.3277 of 2017 is restored to file with a request to the learned Single Judge to dispose it of afresh, after considering the submissions of the learned counsel for both the parties.

4. The Writ Appeal is allowed to the extent indicated above.

5. As a sequel to allowing the writ appeal, W.A.M.P.No.1028 of 2017 filed by the appellant for interim relief shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

M.S.K.JAI SWAL, J

