

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE N. BALAYOGI

WRIT PETITION No.15693 of 2014

ORDER: (Per Justice Sanjay Kumar)

This writ petition was filed by the Government of Andhra Pradesh and the Director of Town and Country Planning, Government of Andhra Pradesh, Hyderabad, aggrieved by the order dated 09.12.2013 passed by the Andhra Pradesh Administrative Tribunal, Hyderabad, in O.A.No.6374 of 2013. The said O.A. was filed by the first respondent herein assailing the proceedings dated 07.02.2013 of the Director of Town and Country Planning, Government of Andhra Pradesh, whereby he was visited with the punishment of withholding of three increments of pay with cumulative effect and the orders passed in appeal thereon, vide G.O.Rt.No.1281 dated 17.08.2013, reducing the punishment to that of stoppage of two annual grade increments without cumulative effect. By the order under challenge, the Tribunal allowed the O.A. setting aside the punishment imposed upon the first respondent and directed the authorities to consider his case for promotion to the next cadre as per his seniority and eligibility.

By order dated 10.06.2014, this Court granted interim suspension of the order passed by the Tribunal which is under challenge.

W.V.M.P.No.2477 of 2014 was filed by the first respondent to vacate the said order.

Sri Rangarajula Rajasekhara Rao, learned counsel for the first respondent, would submit that the other Town Planning Supervisor at Gajuwaka Municipality, one N.Balasubramanyam, who was also implicated along with the first respondent in the same irregularity dating back to the year 2002, was dealt with differently by the State.

A copy of G.O.Rt.No.422, Municipal Administration and Urban Development (VIG-II) Department, dated 18.03.2014, is placed on record. Perusal thereof reflects that N.Balasubramanyam, Town Planning Supervisor, was also inflicted with the punishment of withholding of three increments with cumulative effect. In appeal, the same was reduced to stoppage of two annual grade increments without cumulative effect. It is therefore clear that both N.Balasubramanyam and the first respondent

herein stood identically situated. It appears that N.Balasubramanyam thereupon filed O.A.No.1334 of 2013 before the Tribunal which was allowed vide order dated 12.07.2013, whereby the punishment imposed upon him was set aside. In terms thereof, the Government decided to implement the order of the Tribunal in O.A.No.1334 of 2013 and asked the Director of Town and Country Planning, Hyderabad, to take necessary action.

Learned Assistant Government Pleader for Services is unable to explain as to why no writ petition was filed challenging the order dated 12.07.2013 passed by the Tribunal in O.A.No.1334 of 2013 relating to the identically situated Town Planning Supervisor, N.Balasubramanyam.

This pick and choose policy adopted by the State while dealing with identically situated employees requires to be condemned. When the State decided to implement the order of the Tribunal passed in the case of N.Balasubramanyam, there is no reason as to why it should be aggrieved by an identical order passed by the Tribunal in the case of a similarly situated employee, the first respondent herein. We therefore see no *bonafides* in the challenge laid by the State and its Director of Town and Country Planning in the present writ petition.

The writ petition is accordingly dismissed on this short ground.

Interim order dated 10.06.2014 shall stand vacated. Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

SANJAY KUMAR, J

N. BALAYOGI, J

27th February, 2017.
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