

THE HON'BLE SRI JUSTICE M. S. K. JAISWAL

Writ Petition No. 2704 of 2006

ORDER:

The writ petition is filed seeking a writ of mandamus declaring the punishment of withholding two increments with cumulative effect issued by the 1st respondent in Memo.No.GM(Per)/ DE/ DC/ 590-R1, dated 05.0.2002, affirmed by the Director of TRANSCO by orders dated 8.10.2002, without conducting any enquiry as illegal, arbitrary and violative of the statutory rules and principles of natural justice.

2. The allegation in brief is that when the petitioner was working as Assistant Divisional Engineer, Operation & Construction, Mummidivaram, he was alleged to have committed pilferage of the energy by drawing the electricity directly from the pole for his residential house. The Director/D&HRD issued a show cause notice, dated 28.08.1999 calling upon the petitioner to show cause within 15 days as to why the punishment of stoppage of two increments with cumulative effect should not be imposed. In pursuance to the said show cause notice, the petitioner has submitted his explanation on 08.10.1999 explaining his stand. However, the explanation offered by the petitioner was not taken into consideration properly and a cryptic order came to be passed by the Joint Managing Director on 05.03.2002, imposing punishment of stoppage of two increments with cumulative effect.

The petitioner was also informed in the said proceedings that an appeal against the said order lies to the authorities within three months from there. In pursuance thereto, the petitioner preferred an appeal, which came to be rejected by the Joint Managing Director A.P.Transco, confirming the punishment. Against the said order, a review petition has been filed, as envisaged under the Rules on 24.02.2003, and the authorities have not passed any orders in the said Review till date.

3. The learned counsel for the petitioner has raised the following objections:

- (i) The authority has imposed the punishment of stoppage of two increments on the petitioner without conducting any proper enquiry or affording opportunity to the petitioner to explain his stand;
- (ii) Even though a detailed explanation, running into four pages, was offered by the petitioner, the same was not considered properly and the disciplinary authority has passed a cryptic order to the effect that the explanation offered by the petitioner is not satisfactory;
- (iii) In the appeal, the very same authority, which passed the order imposing the punishment, has disposed of the appeal, which is impermissible;
- (iv) Finally, the statutory review preferred by the petitioner is yet to be disposed of by the authorities.

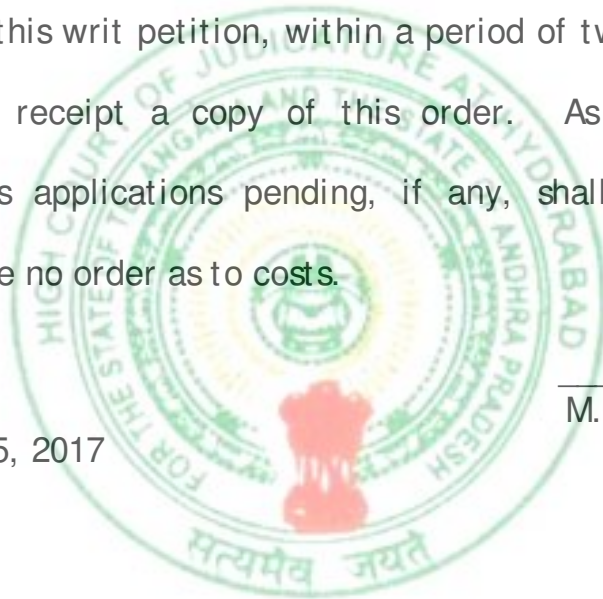
4. Admittedly, as the review petition preferred by the writ petitioner is pending before the authorities, it may not be just and

proper to adjudicate the contentions raised by the petitioner in the writ petition. Therefore, the contentions now raised by the petitioner are directed to be considered and disposed of by the authority competent to dispose of the review filed by the petitioner.

5. In that view of the matter, the writ petition is disposed of, directing the authorities/ 1st respondent to dispose of the review filed by the petitioner on 24.02.2003, after affording reasonable opportunity to him and taking into consideration the contentions advanced in this writ petition, within a period of two months from the date of receipt a copy of this order. As a sequel, the miscellaneous applications pending, if any, shall stand closed. There shall be no order as to costs.

September 05, 2017
Kv

M.S.K.JAISWAL, J



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