

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No. 36924 of 2017

Order:

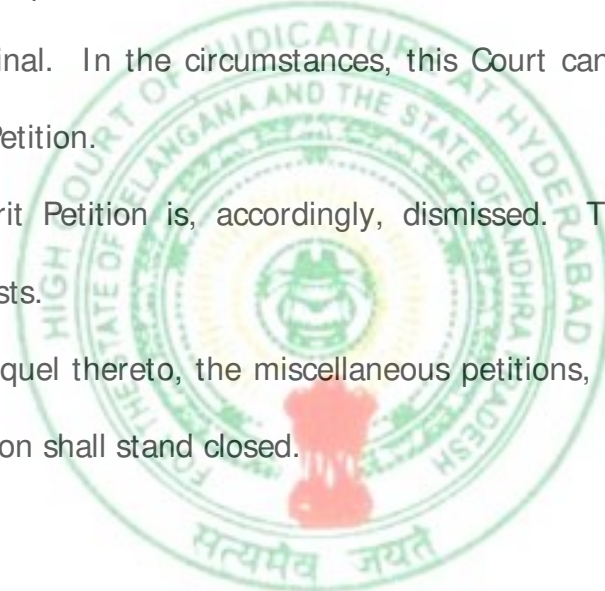
The petitioner was initially appointed as Clerk-cum-Cashier on 25.07.1977 and, thereafter, he was promoted as Field Officer in the year 1979. He was further promoted as Scale-II Officer on 08.02.2016 and retired on 31.10.2016. While he was in service, disciplinary proceedings were initiated by Nagarjuna Grameena Bank and an order was passed on 14.03.2005 by treating the period of suspension as 'not spent on duty' with attendant loss of wages, allowances, service etc. However, later on, another order was passed on 20.09.2005 by re-fixing the basic pay at Rs.8,120/- in the time scale of Rs.7100-340-13,560/- as a punishment in terms of Regulation 38(1)(b)(ii) of Nagarjuna Grameena Bank Officers and Employees Service Regulations, 2001. Against the order of punishment dated 20.09.2005, the petitioner preferred an appeal to the second respondent and the appellate authority, by his order dated 31.03.2006, modified the earlier punishment and fixed the basic pay at Rs.11,860/- in the time scale of Rs.7,100-340-13,560/-. After his retirement, the Bank calculated the service and determined the amount on 24.10.2016 and paid the gratuity. The petitioner states that his period of suspension from 15.06.2002 to 16.03.2005 i.e., 2 years 9 months 1 day for the purpose of computing gratuity and retiral benefits was not taken into account. Challenging the same, the present Writ Petition is filed.

It is clear from the above facts that while the petitioner was in service, the first respondent passed an order on 14.03.2005 and, while lifting the orders of suspension and reinstating the petitioner into service with effect from the date of reporting for duty, decided to treat the period of his suspension as 'not spent on duty' with attendant loss of wages,

allowances, service etc., and heard him with regard to proposed punishment. After hearing the petitioner, he passed an order on 20.09.2005 re-fixing the basic pay at Rs.8,120/- and the petitioner, without challenging the order dated 14.03.2005, preferred an appeal only against the order dated 20.09.2005 and the appellate authority modified the fixation of basic pay from Rs.8,120/- to Rs.11,860/-. Thus, the order dated 14.03.2005 with regard to the treatment of the suspension period as 'not spent on duty' remained un-rebutted by virtue of the orders of the original authority as well as the appellate authority. Now, after the retirement, the petitioner cannot seek variation of the said order which has become final. In the circumstances, this Court cannot entertain the present Writ Petition.

The Writ Petition is, accordingly, dismissed. There shall be no order as to costs.

As a sequel thereto, the miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.



A. RAMALINGESWARA RAO, J

Date: 03.11.2017
Nsr

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO



Date: 03.11.2017

Nsr