

HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.23354 OF 2007

ORDER:

1. This writ petition is filed seeking to issue a writ of Mandamus declaring the action of the respondents in not adding five annual increments of the petitioner in pursuance of the orders in W.A.No.1564 of 2005, dated 10.8.2005 as illegal and arbitrary, and consequently, to direct the respondents to add five annual increments to the pay of the petitioner.

2. Heard Sri G. Ravi Mohan, learned Counsel for the petitioner and Sri A. Rama Rao, learned Standing Counsel for the respondent-Corporation.

3. It has been contended by the petitioner that initially he was appointed as a conductor in the year 1986 and while he was discharging his duties as such, in the year 1990, the checking officials of the respondent-Corporation conducted check and alleged that the petitioner had indulged in cash and ticket irregularities, and that the disciplinary authority after conducting regular departmental enquiry imposed punishment of removal on the petitioner on 19.5.1990 and challenging the same, the petitioner filed I.D.No.231 of 1990 before the Labour Court, Ananthapur, and the Labour Court passed award reinstating the petitioner into service without back wages and

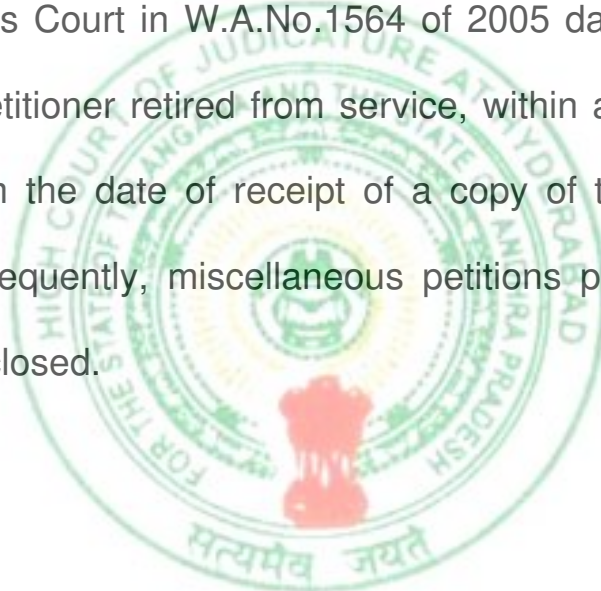
directed the Corporation to defer five annual increments of the petitioner with cumulative effect, and also denied promotion for a period of five years, vide order dated 7.5.1991. It has been further contended that the petitioner filed writ petition viz., W.P.No.4874 of 1994 challenging the award passed by the Labour Court only to the extent of deferment of five annual increments with cumulative effect and denial of promotion for a period of five years, and that the said writ petition was dismissed, and challenging the same, the petitioner filed W.A No.1564 of 2005 and this Court was pleased to pass the following order on 10.8.2005:

“Considering the gravity of the charge and in view of the fact that the punishment imposed by the authority is without conducting any enquiry, without expressing any opinion on the merits of the case, we deem it appropriate to modify the above two aspects to the effect that the petitioner is not entitled to any increment for five years, but without any cumulative effect. However, he is not entitled to any arrears to that effect. “

4. It has been submitted by the learned Counsel for the petitioner that in view of the orders passed by the Hon'ble Division Bench of this Court in W.A.No.1564 of 2005, the respondents are bound to release five annual increments to which the petitioner is entitled, and further, the petitioner retired on attaining the age of superannuation in December, 2012.

5. Having considered the submissions made by the parties and the material on record, this Court is of the considered view that this writ petition can be disposed of directing the respondents to add five annual increments to the pay of the petitioner.

6. Accordingly, the Writ Petition is disposed of directing the respondents to add five annual increments to the pay of the petitioner in terms of the orders passed by the Hon'ble Division Bench of this Court in W.A.No.1564 of 2005 dated 10.8.2005, since the petitioner retired from service, within a period of two months from the date of receipt of a copy of this order. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.



JUSTICE ABHINAND KUMAR SHAVILI

Dated: 5th September, 2018.
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HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.23354 OF 2007



5/09/2018

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