

HONOURABLE SRI JUSTICE SURESH KUMAR KAIT
&
HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION Nos.1587 & 1744 OF 2018

COMMON ORAL ORDER: (per Hon'ble Sri Justice Suresh Kumar Kait)

1. Since the issue involved in both the petitions and the parties are one and the same, these petitions are being disposed of by this common order.
2. Vide the present petitions, the petitioners have assailed the orders dated 22.03.2016 and 28.3.2016 passed in O.A.Nos.668 and 669 of 2015 respectively by the A.P. Administrative Tribunal, Hyderabad.
3. Respondent No.1-applicant had filed O.A.No.1877 of 2013 before the Tribunal praying to quash the charge memos issued by the petitioners and to consider his case for promotion for the post of Motor Vehicles Inspector. The Tribunal disposed of O.A.No.1877 of 2013 directing the petitioners herein to consider the case of the 1st respondent-applicant for promotion to the post of Motor Vehicles Inspector, without reference to the Articles of Charges issued by the petitioners. The petitioners were further directed to complete the disciplinary proceedings within a period of eight weeks from the date of receipt of a copy of the order; otherwise, the charges will automatically get dropped.
4. Since the petitioners could not conclude the disciplinary proceedings within the time granted by the Tribunal, they filed M.A.No.1560 of 2013 for extension of time, and the same was disposed of vide order dated 4.7.2013 by extending four months time from the date of the order and as they had not concluded the disciplinary proceedings, they filed another M.A.No.3142 of 2013 and the same was dismissed. Challenging the same, the petitioners filed W.P.No.31268 of 2014.

5. Subsequently, on 12.11.2014 and 22.12.2014, the 2nd petitioner passed orders in R.No.8425/V3/V2/2007-1 and R.No.2821/V3/V2/2003 respectively, imposing penalty of stoppage of Two Annual Grade increments with cumulative effect in each case. Challenging the same, the 1st respondent-applicant filed O.A.Nos.668 and 669 of 2015. The Tribunal set aside the orders of the 2nd petitioner dated 12.11.2014 and 22.12.2014 holding that as the punishment orders were passed after expiry of the time stipulated vide orders in O.A.No.1877 of 2013 and M.A.Nos.1560/2013 and 3142/2013, the same are illegal and invalid. Challenging the same, the petitioners filed the above writ petitions.

6. From the material on record, it is obvious that the petition filed by the petitioners for extension of time granted by the Tribunal for completion of enquiry was dismissed by the Tribunal. In view of dismissal of extension petition, the petitioners should not have completed the enquiry and imposed punishment on the 1st respondent-applicant. Since W.P.No.31268 of 2014, which was filed against the order passed by the Tribunal dismissing the extension petition, was dismissed by this Court, the present writ petitions, which were filed challenging the orders passed by the Tribunal in O.A.Nos.668 of 669 of 2015 setting aside consequential actions of the petitioners, are also liable to be dismissed.

7. Accordingly, the Writ Petitions are dismissed. No costs. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

JUSTICE SURESH KUMAR KAIT

JUSTICE ABHINAND KUMAR SHAVILI

Dated: 30th January, 2018.
Nn.

HONOURABLE SRI JUSTICE SURESH KUMAR KAIT
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HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION Nos.1587 & 1744 OF 2018

(Common order delivered by the Hon'ble Sri Justice Suresh Kumar Kait)



30/01/2018

Nn.