

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P. No.13119 of 2003ORDER:

This writ petition is filed seeking a writ of mandamus declaring the action of the respondents in imposing the punishment of deferment of annual increment for a period of one year with cumulative effect without holding any departmental enquiry, vide proceedings dated 30.03.1999, which was confirmed by the appellate authority, vide proceedings dated 18.11.1999, as illegal and arbitrary.

2. Heard Sri S.M.Subhan, counsel for the petitioner and Sri P.Mayur Reddy, Standing Counsel for the respondents.

3. It has been contended by the petitioner that a major penalty of deferment of annual grade increment for a period of one year which shall have effect on future increments, was imposed on him, without conducting any enquiry. It is further contended that this issue was considered by this Court in W.P.No. 18299 of 2005, dated 5th September, 2005, reported in 2005 (6) ALD 247. He further contends that in the said case, this Court has modified the punishment of deferment of annual grade increment for a period of one year with cumulative effect to that of deferment of annual grade increment for a period of one year without cumulative effect. The Standing Counsel for the respondents had not disputed the same.

4. In view of the above contentions, this Court is of the considered view that this writ petition can also be disposed of in terms of the orders passed by this Court in W.P.No. 18299 of 2005, dated 5th September, 2005, modifying the punishment of deferment of annual grade increment

for a period of one year with cumulative effect to that of deferment of annual grade increment for a period of one year without cumulative effect.

5. Accordingly, the writ petition is disposed of, modifying the punishment of deferment of annual grade increment for a period of one year with cumulative effect to that of deferment of annual grade increment for a period of one year without cumulative effect. No order as to cost. Miscellaneous petitions pending, if any, stand closed.

ABHINAND KUMAR SHAVILI, J

Date: 01.11.2018
DMG

