

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.14408 of 2005

ORDER:

This writ petition is filed seeking to issue a writ of *Mandamus* directing the respondent Corporation to re-fix the pay of the petitioner by restoring the deferred annual grade increments in pursuance of final the order dated 3.10.1997 with all consequential benefits including arrears and other benefits.

Heard Si P.Govinda Rajulu, learned counsel for the petitioner and Si B.Mayur Reddy, learned standing counsel for the respondent corporation.

It has been contended by the petitioner that he was appointed as Conductor in the respondent corporation. While he was discharging his duties at Shadnagar Depot, the respondent corporation had imposed a major punishment of deferment of annual increments for a period of two years with cumulative effect vide orders dated 3.10.1997. Challenging the same, the petitioner had filed WP.No.19050 of 1999 and this Court vide orders dated 8.9.1999 disposed of the writ petition with the following direction:

“It is not disputed that the petitioner has been punished in a disciplinary proceeding without holding a full-fledged departmental enquiry. The petitioner has been visited with the punishment of withholding of increments for two years. It has been held by this Court and also not disputed by the respondents which has issued a circular that punishment of withholding increment is a major penalty. In view of this position, the punishment inflicted on petitioner without holding a full-fledged enquiry is unsustainable. The orders dated 3.10.1997 is quashed. It will be open for the respondents to initiate an appropriate full-fledged enquiry into the charges and pass orders in accordance with law.”

In pursuance to the orders passed by this Court, the respondent corporation had not passed any orders. It has been further contended by the petitioner that he had submitted representations to the respondent corporation on 28.11.2000 and 4.2.2004 to release the deferred annual increments but the said representations are not yet disposed of. In those set of circumstances, the present writ petition is filed.

Learned standing counsel appearing for the respondent corporation had contended that since the representations submitted by the petitioner are pending, the respondent corporation would consider and pass appropriate orders on the representations.

This Court having considered the submissions made by the parties, is of the considered view that this writ petition can be disposed of directing the respondent corporation to consider the representations submitted by the petitioner on 28.11.2000 and 4.2.2004.

Accordingly, the Writ Petition is disposed of directing the respondent corporation to consider the representations of the petitioner dated 28.11.2000 and 4.2.2004 and pass appropriate orders within a period of two weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

Date: 08/ 10/ 2018
lkv

