

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 18926 of 2004

ORDER:

This writ petition is filed seeking to issue a writ of certiorari calling for the proceedings dated 02.08.2001 purporting to impose the punishment and also the orders passed in appeal dated 18.05.2002 and quash the same holding the same as illegal and arbitrary.

Learned counsel for the petitioner submits that challenging the punishment of stoppage of three annual grade increments with cumulative effect vide orders dated 02.08.2001 the petitioner filed an appeal and the appellate authority rejected the appeal vide orders dated 18.05.2002. He further submits that besides imposing the punishment of stoppage of three annual grade increments with cumulative effect, the disciplinary authority ordered recovery of pecuniary loss caused to the 1st respondent society to a tune of Rs.90,134/-. The disciplinary authority imposed both the punishments for the very same set of allegations, which amounts to double jeopardy. The learned counsel further submits that while admitting the writ petition, this Court granted interim stay of recovery, vide orders dated 13.10.2004 in WPMP No.24869 of 2004 which is made absolute vide orders dated 21.04.2008 in WVMP No.120 of 2006. He contends that imposition of two punishments for the very same set of allegations is arbitrary and illegal and at least the punishment of recovery of amount may be set aside.

This Court having considered the said submission is of the considered view that the disciplinary authority ought not to have imposed two punishments for the very same set of allegations. Therefore, the punishment of recovery of amount imposed vide proceedings dated 02.08.2001 alone is liable to be set aside and accordingly it is set aside and the punishment of stoppage of three annual grade increments with cumulative effect is upheld.

In the result, the writ petition is partly allowed. Consequently, miscellaneous petitions pending in the writ petition, if any, shall stand closed.

14th December, 2018
cbs

ABHINAND KUMAR SHAVILI, J



HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI



Writ Petition No.18926 of 2004
(disposed of)

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