

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.24533 OF 2004

ORDER:

This writ petition is filed under Article 226 of the Constitution of India, seeking to issue writ of mandamus declaring the action of the respondents in imposing punishment of postponement of increment for a period of one year with cumulative effect, vide proceedings, dated 01.04.1996 and the action of the 1st respondent in not considering the review petition, dated 04.06.1996 filed by the petitioner against the punishment order as illegal and consequently direct the respondents toad the differed increment to the salary of the petitioner with effect from 01.04.1996.

2. Heard Sri S.M.Subhan, learned counsel for petitioner and Smt B.G.Uma Devi, learned standing counsel for the respondents.

3. It is the case of the petitioner that he was appointed as conductor. He was issued with a charge sheet alleging that he failed to inform about the accident occurred immediately. Thereafter, the Enquiry Officer imposed punishment of postponement of increments for a period of one year with cumulative effect. Thereafter, he filed appeal and the same was allowed, but till date, no orders are passed by the 1st respondent. Hence, the writ petition.

4. It has been contended by the learned counsel for the petitioner that the disciplinary authority ought not to have imposed punishment of postponement of increments with cumulative effect.

5. Learned standing counsel for the respondents contended that the disciplinary authority had imposed punishment of postponement of increments for the proven misconduct and no irregularity has been committed by the disciplinary authority in imposing the said punishment.

6. This Court having considered the rival contentions made by both parties, is of the considered view that the disciplinary authority had rightly imposed punishment of postponement of increment with cumulative effect for the proven misconduct in the enquiry and no irregularity is found in the orders passed by the disciplinary authority calling for interference of this Court.

7. Accordingly, the writ petition is dismissed. No order as to costs. Miscellaneous petitions, if any pending in this writ petition shall stand closed.

ABHINAND KUMAR SHAVILI, J

DATED:12-10-2018

Hsd