

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.32393 OF 2015

ORDER:-

This writ petition is filed under Article 226 of the Constitution of India seeking the following relief:

“to issue an appropriate Writ, Order or Direction more particularly in the nature of Writ of Mandamus declaring the orders of the respondents whereby imposing punishment of differing annual increment for 2 years with cumulative effect against the petitioner by non disposal of appeal filed by the petitioner on 26.06.2015 before the 2nd respondent as arbitrary, illegal, capricious and the punishment is abnormal and disproportionate and consequently set aside the orders of the 4th respondent dated 24.12.1997 forthwith.” (re-produced verbatim)

2. Heard Sri Sai Gangadhar Chamarty, learned counsel for the petitioner, and Sri A.Rama Rao, learned Standing Counsel appearing for the respondent Corporation.

3. Case of the petitioner, in brief, is as follows:

While the petitioner was working as a Mechanical Chargeman in the depot of respondent No.4, on the ground of attempt of theft of aluminium pads, the disciplinary authority i.e., respondent No.4, *vide* order, dated 24.12.1997, has imposed a punishment of deferment of annual increment for a period of two years with cumulative effect. Challenging the same, the petitioner has preferred an appeal on 26.11.2012 before respondent No.3. *Vide* order, dated 04.06.2015, respondent No.3 has rejected the said appeal on the ground that the appeal is time barred and filed after lapse of fifteen years, and thus, confirmed the order, dated

24.12.1997, of respondent No.4. Aggrieved thereby, the petitioner has preferred a revision before respondent No.2 on 26.06.2015 and the revisional authority has so far not passed any orders on the said revision. Therefore, the petitioner seeks a direction to respondent No.2 to pass orders on the revision preferred by the petitioner.

4. Sri A.Rama Rao, learned Standing Counsel appearing for the respondent Corporation, has contended that the original punishment was imposed by the disciplinary authority way back in the year 1997 against which the petitioner has preferred an appeal in the year 2012 i.e., after nearly 15 years from the date of punishment, and hence, the appeal preferred by the petitioner is hopelessly barred by limitation.

5. This Court, having considered the rival submissions, is of the view that this writ petition can be disposed of directing the revisional authority i.e., respondent No.2 to pass orders on the revision preferred by the petitioner on 26.06.2015 within a period of four (4) weeks from the date of receipt of a copy of this order.

6. With the above direction, the Writ Petition is disposed of. There shall be no order as to costs.

7. Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

Date: 18.04.2018
AMD

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