

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.6139 OF 2003

ORDER

This writ petition is filed seeking the following relief:

“..to issue a writ of Certiorari and call for the records relating to the proceedings of 2nd respondent bearing No.2831/A4/GM/2002, dated 20-03-2003 and set aside the same with all consequential benefits and consequently declare the impugned proceedings of the 2nd respondent bearing No.2831/A4/GM/2002, dated 20-3-2003 as illegal, arbitrary, unconstitutional, contrary to law and procedures and also in violation of principles of natural justice and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

Heard Sri B.Ranganatha Rao, learned counsel appearing for the petitioner and learned Standing Counsel appearing for the respondents.

It is the case of the petitioner that initially, he was appointed as Junior Dairy Operator on 7.2.1976 in the respondent-A.P.Dairy Development Cooperative Federation Limited and subsequently, he was promoted as a Plant Mechanic on 26-08-1977. While so, alleging that he had produced false educational certificates, the respondents as a measure of punishment reverted him to the lower post of Plant Operator *vide* proceedings dated 14.12.1984. Thereafter, the petitioner was granted 10 years special grade increment and he was also promoted as Plant Mechanic *vide* proceedings dated 25.4.2001. While discharging his duties as such, the

respondents have passed the impugned order cancelling the special grade increment and 24 years additional increment and ordered to recover the excess amount paid to him.

Learned counsel appearing for the petitioner contends that without giving any opportunity to the petitioner, the respondents have unilaterally passed the impugned order; that the respondents ought not to have directed to recover the excess payment made earlier consequent on sanction of special grade and 24 years additional increment; that during pendency of the writ petition, the petitioner had retired from service on attaining the age of superannuation; and that appropriate direction may be given to the respondents not to recover the excess amount paid to the petitioner and also to grant increments to which the petitioner is entitled to.

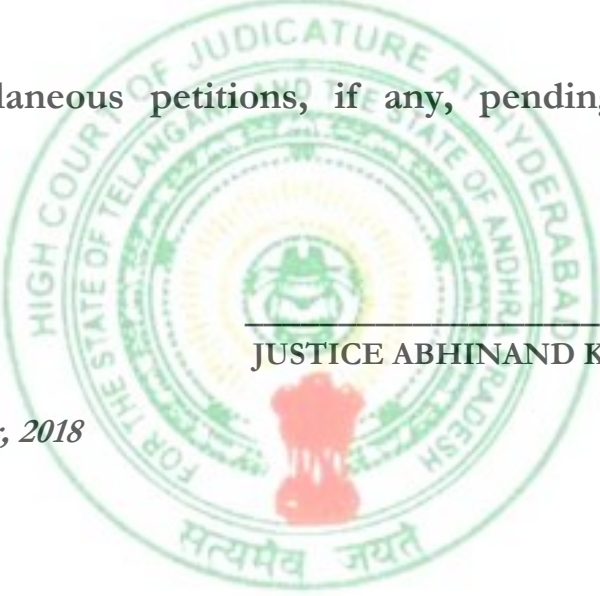
Learned Standing Counsel appearing for the respondents submits that having realized that the petitioner is not entitled for grant of special grade annual increment and 24 years additional increment, the respondents have passed the impugned order reducing his pay and that no illegality or irregularity has been committed by the respondents.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the considered view that this writ petition can be disposed of directing the

petitioner to submit a fresh representation to the respondents within period of two weeks.

Accordingly, the Writ Petition is disposed of directing the petitioner to submit a fresh representation to the respondents within a period of two weeks from the date of receipt of a copy of this order and on receipt of such representation, the respondents shall consider the same and pass appropriate orders within four weeks thereafter. No costs.

Miscellaneous petitions, if any, pending shall stand closed.



JUSTICE ABHINAND KUMAR SHAVILI

19th November, 2018
rkk

