

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.10905 OF 2001

ORDER:

1. This writ petition is filed seeking to issue a writ of Mandamus declaring the action of the 4th respondent in not sanctioning the annual increments from 1.9.1999 onwards, as arbitrary and illegal and against the provisions of the A.P. Education Act, and consequently, to direct the respondents to sanction the annual increments of the petitioner from 1.9.1999 onwards.

2. Heard Sri M.V. Durga Prasad, learned Counsel for the petitioner and the learned Government Pleader for Higher Education.

3. It is the case of the petitioner that she is working as a lecturer in Economics in the 4th respondent-college since 1982, and the post held by her was admitted into grant-in-aid. While she was working as such, the 4th respondent-management initiated disciplinary proceedings against the petitioner and appointed an advocate as enquiry Officer, and after completion of the enquiry, the 4th respondent-management issued a show cause notice to the petitioner proposing to impose punishment of discharge from service. Challenging the same, she filed W.P.No.10697/1994 before this Court. This Court vide order dated 7.12.1994 dismissed

the said writ petition holding that the writ petition is premature. However, the petitioner was given an opportunity to submit an explanation to the said show cause notice issued by the management. The 4th respondent-management was permitted to take a decision in accordance with law. Thereafter, the 4th respondent management imposed punishment of stoppage of three annual increments with cumulative effect w.e.f. 1.9.1999. Aggrieved by the said order of punishment, the petitioner preferred an appeal before the 2nd respondent-Joint Collector of Collegiate Education. Vide order dated 11.11.1999, the 2nd respondent allowed the appeal setting aside the punishment imposed by the 4th respondent. In view of the orders passed by the 2nd respondent, the petitioner is entitled for annual increments, but the 4th respondent is not releasing the annual increments of the petitioner. Hence, she filed the present writ petition.

4. The learned Government Pleader for Higher Education contends that the 2nd respondent set aside the order of punishment imposed by the 4th respondent, vide order dated 11.11.1999 and the petitioner is entitled for annual increments.

5. This Court having considered the submissions made by both the parties is of the view that when the order of punishment imposed by the 4th respondent-management was set aside by the 2nd

respondent, the 4th respondent is bound to release the annual increments to the petitioner. There is no justification in not releasing the annual increments of the petitioner.

6. Accordingly, the Writ Petition is allowed directing the 4th respondent-management to release the annual increments of the petitioner from 1.9.1999 onwards. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

(ABHINAND KUMAR SHAVILI, J)

Dated: 25th July, 2018

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Dated: 25.7.2018

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