

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 11153 of 2004

ORDER:

This writ petition is filed seeking to issue a writ of mandamus declaring the action of the respondents in removing the petitioner vide order dated 24.09.2001 and the reviewing authority order dated 15.07.2003 insofar as it went against the petitioner in imposing the punishment of deferment of annual increment for a period of two years with cumulative effect besides treating the period of suspension as not on duty, as illegal and arbitrary. A consequential direction is also sought to reinstate the petitioner as conductor with continuity of service, back wages and other attendant benefits.

When the matter is taken up for hearing, learned counsel on either side have fairly conceded that the issue raised in the writ petition is squarely covered by the judgment dated 04.10.2018 passed by this Court in W.P.No.21453 of 2010 and prayed that similar orders may be passed in this writ petition. The operative portion of the said judgment reads as under:

"Accordingly, the Writ Petition is allowed modifying the punishment of deferment of one annual increment with cumulative effect to that of deferment of one annual increment without cumulative effect, without any monetary benefits, but with notional fixation of pay. No order as to costs. Pending miscellaneous applications, if any, shall stand closed in consequence."

Following the judgment dated 04.10.2018 passed by this Court in W.P.No.21453 of 2010, this writ petition is disposed of modifying the

punishment of deferment of annual increment for a period of two years with cumulative effect to that of deferment of annual increment for a period of two years without cumulative effect, without any monetary benefits, but with notional fixation of pay.

Consequently, miscellaneous petitions, if any, pending in the writ petition shall stand closed. No order as to costs.

ABHINAND KUMAR SHAVILI, J

29th November, 2018
cbs



HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI



Writ Petition No. 11153 of 2004
(disposed of)

29th November, 2018

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