

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 13824 of 2010

ORDER:

1. This writ petition is filed seeking to issue a writ of *Mandamus* declaring the action of respondent No.3 in issuing proceedings dated 14.01.2009, imposing punishment of fine to an amount equivalent to his five days pay, which was confirmed by respondent No.1 vide proceedings dated 20.02.2010, as illegal and arbitrary, and consequently, to set aside the same.

2. Heard Sri J.M. Naidu, learned Counsel for the petitioner and Sri K. Lakshman, learned Assistant Solicitor General for the respondents.

3. It is stated that the petitioner was appointed as CISF Constable on 15.07.1986 and while he was working at SHAR Centre, Sriharikota, PSR Nellore District, respondent No.3, issued charge sheet dated 18.12.2008 under Rule 37 of CISF Rules, 2001 to the petitioner by initiating disciplinary proceedings against him alleging that he had not reported to duty as directed by the officials. Without considering the explanation dated 30.12.2008 submitted by petitioner, respondent No.3 passed the impugned order dated 14.01.2009 imposing fine to an amount equivalent to his five days pay. The petitioner being unsuccessful in the appeal before respondent No.2, preferred revision before respondent No.1, who by order

dated 20.02.2010 confirmed the orders of respondent Nos.2 and 3. Hence, this writ petition is filed.

4. Learned Counsel for the petitioner submits that in view of the disciplinary proceedings initiated against the petitioner, the respondent-authorities did not consider his case for further promotions, and that increments were also not paid to him and therefore, the action of the respondents is illegal and arbitrary.

5. Learned Assistant Solicitor General for respondents submits that the punishment as imposed in the impugned order by the disciplinary authority will not have any bearing on his further promotions and for granting future increments.

6. In view of the submissions made by both the Counsel, this Court is of the considered view that ends of justice would be met if the respondents are directed to consider the case of the petitioner for promotion to the higher post and for grant of future increments as per Rules in vogue without being influenced by the impugned orders.

7. With the above observations, the Writ Petition is disposed of. No costs. Miscellaneous Petitions, if any, pending in this writ Petition shall stand closed.

ABHINAND KUMAR SHAVILI, J

13th November, 2018
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