

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.18431 OF 2002

ORDER:

This writ petition is filed under Article 226 of the Constitution of India, seeking to issue writ of mandamus declaring the action of the respondents in imposing major penalty of deferment of annual increment for a period of one year with cumulative effect, vide orders, dated 20.05.1998, which was confirmed by the appellate authority, vide orders, dated 13.07.1999 as illegal and arbitrary and said imposition of punishment is contrary to the law laid down by this Court in the judgment reported in 1999 (2) ALT 109 and consequently set aside the same.

2. Heard Sri S.M.Subhan, learned counsel for the petitioner and Sri B.Mayur Reddy, learned standing counsel for the respondents.

3. It has been contended by the learned counsel for the petitioner that the petitioner was appointed as conductor during 1987 and while he was discharging duties, he has indulged in cash and ticket irregularities and for the alleged irregularities, the disciplinary authority has imposed punishment of deferment of one annual grade increment for a period of one year with cumulative effect, vide proceedings, dated 20.05.1998, which was confirmed by the appellate authority, vide proceedings, dated 13.07.1999. Challenging the same the present writ petition is filed.

4. Learned standing counsel for the respondents contended that after following the due procedure, the respondents have imposed punishment and no illegality is committed by the respondents.

5. This Court having considered the rival contentions made by both parties, is of the considered view that the respondents have imposed punishment of deferment of one annual grade increment for a period of one year with cumulative effect without conducting any enquiry, which is against the law laid down by the apex Court in a decision reported in **KULWANT SINGH GILL V STATE OF PUNJAB** ¹

6. In view of the same, the writ petition is allowed setting aside the impugned orders, dated 25.02.1998 passed by the disciplinary authority, which was confirmed by the appellate authority, vide orders, dated 13.07.1999. However, the petitioner will be entitled only for notional increment without any monetary benefit. No order as to costs. Miscellaneous petitions, if any pending in this writ petition shall stand closed.

ABHINAND KUMAR SHAVILI, J

DATED:12-10-2018

Hsd

¹ 1990 (2) SCALE 597