

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVIL

WRIT PETITION No.6449 of 2011

ORDER:

This writ petition is filed seeking to issue a writ of Mandamus declaring the action of the 3rd respondent in issuing proceedings No.02/95(5)/2002-NKD, dated 16.7.2002 as illegal, arbitrary and unjust and consequently to set aside the same by granting increments to the petitioner.

When the matter is taken up for hearing, learned counsel for the petitioner submitted that the issue raised in this case is squarely covered by the orders passed in WP.No.4859 of 2007 dated 9.3.2007 and also the decision rendered in Kulwant Singh Gill v. State of Punjab¹ wherein the Hon'ble Supreme Court held that the punishment of stoppage of increments with cumulative effect cannot be imposed without conducting enquiry.

As the issue involved in the present writ petition is squarely covered by the decision cited supra, this writ petition has to be allowed.

Accordingly, the Writ Petition is allowed and the impugned proceedings No. 02/95(5)/2002-NKD, dated 16.7.2002 issued by the 3rd respondent are set aside. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVIL, J

Date: 06/11/2018
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¹ 1991 Supp (1) SCC 504



