

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVIL

WRIT PETITION No.9861 of 2007

ORDER:

This writ petition is filed seeking to issue a writ of Mandamus declaring the action of the respondents in imposing the punishment of deferment of annual increment for a period of two years with cumulative effect vide Proc.No.01/2(12)/89-MDN, dt.3.2.1990 which was confirmed by the review authority vide proceedings dated 16.9.1992 as illegal and unjust and to set aside the same. A consequential direction is also sought to pay the arrears of deferred increments forthwith.

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 Proc.No.01/2(12)/89-MDN, dt.3.2.1990 as well as proceedings

¹ 1991 Supp (1) SCC 504

dated 16.9.1992 issued by the respondents are set aside. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVIL, J

Date: 17/09/2018
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