

HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITIONS No.26151 OF 2007

ORDER:

1. This writ petition is filed seeking to issue a writ of Mandamus declaring the action of the respondents in deducting two increments from the salary of the petitioner in spite of completion of two years period pursuant to the proceedings dated 30.10.2002 of the 1st respondent, as illegal and arbitrary, and consequently, to direct the respondents to pay the amounts deducted towards two increments from 30.10.2004 onwards till date.

2. Heard Sri P. Venkateswara Rao, learned Counsel for the petitioner and Sri A. Ravi Babu, learned Standing Counsel for the respondents.

3. It is the case of the petitioner that he was appointed as cleaner in the respondent-Corporation in the year 1981 and while he was discharging his duties as such, he remained absent during August, 2001. The respondents construed the said absence as misconduct and initiated disciplinary proceedings against the petitioner. The respondents after conducting enquiry removed the petitioner from service vide proceedings dated 27.5.2002 and thereafter, the petitioner preferred appeal, and the appellate authority vide order dated

30.10.2002 set aside the removal order while imposing a cut of two increments for a period of two years with cumulative effect. Accordingly, the increments of the petitioner were deducted and thereafter, in spite of expiry of the said period, the respondents have been continuously deducting his two increments.

4. Learned Counsel for the petitioner contended that the appellate authority ought to have reinstated the petitioner by setting aside the order of removal and that the appellate authority imposed major penalty of deferment of two annual increments with cumulative effect and even after expiry of the said period of two years, the respondents have not been releasing the increments of the petitioner.

5. The learned Standing Counsel for the respondents contended that the appellate authority took a lenient view and modified the punishment of removal to that of stoppage of two increments and accordingly, the respondents stopped the increments of the petitioner and that no irregularity or illegality has been committed by the respondents.

6. Having considered the submissions made by the parties, this Court is of the view that the appellate authority has rightly modified the punishment of removal to that of deferment of annual increments with cumulative effect. According to the respondents, they are implementing the orders of the appellate

authority. There is no illegality on the part of the respondents.

There are no merits in this writ petition.

7. Accordingly, the Writ Petition is dismissed. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

Dated:8th October, 2018.
Nn.



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8/10/2018

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