

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 12078 of 2010

O R D E R:

This writ petition is filed seeking a writ of *Mandamus* declaring the action of respondent No.3 in issuing the proceedings dated 28.02.2009, imposing punishment of fine to an amount equivalent to his seven days pay, which was confirmed by respondent No.1 vide order dated 20.02.2010, as illegal and arbitrary.

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 a Memorandum dated 24.01.2009 under Rule 37 of CISF Rules, 2001 to the petitioner by initiating disciplinary proceedings against him alleging that key was missed from his possession. Without considering the explanation dated 02.02.2009 submitted by petitioner, respondent No.3 passed the impugned order dated 28.02.2009 imposing fine to an amount equivalent to his seven days pay. Petitioner being unsuccessful in the appeal before respondent No.2, preferred revision petition before respondent No.1, who by order dated 20.02.2010 confirmed the orders of respondent Nos.2 and 3 who rejected the appeal vide order dated 07.04.2009. Hence, this writ petition.

Heard learned counsel for petitioner and learned Standing Counsel for Central Government appearing for respondents.

Learned counsel for petitioner would submit that in view of the disciplinary proceedings initiated against the petitioner, the respondent authorities did not consider his case for further promotions and increments were also not paid to him, which is illegal and arbitrary.

Learned Standing Counsel for respondents would submit 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.

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 order.

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

09th November, 2018
MjI/*