

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.21257 OF 2015

ORDER:-

This writ petition is filed under Article 226 of the Constitution of India seeking a writ of *mandamus* to declare the proceedings No.PA/20(99)/2013-DY.CTM:EG, dated 24.06.2013, issued by respondent No.2 to the extent of imposing punishment of deferment of annual increment for a period of two years with cumulative effect and the consequential proceedings No.PA/20(40)/14-RM:EG, dated 21.04.2014, passed by respondent No.3 as illegal and arbitrary.

2. Heard Sri T.S.Venkata Ramana, learned counsel for the petitioner, and Sri S.V.Ramana, learned Standing Counsel appearing for the respondent Corporation.

3. Case of the petitioner, in brief, is as follows:

The petitioner was appointed as a Conductor in the respondent Corporation in the year 1989 and he has been working since then without any complaint. While so, *vide* proceedings, dated 20.06.2013, of respondent No.1 herein, the petitioner was imposed a major penalty of removal from service on the ground of cash and ticket irregularities. Challenging the said order of removal, the petitioner has preferred an appeal to the appellate authority/respondent No.2 herein and the same was partly allowed *vide* proceedings, dated 24.06.2013, directing reinstatement of the petitioner into service and by duly modifying the order of removal of the petitioner from service to that of deferment of annual

increment for a period of two (2) years with cumulative effect. Not satisfied with the said orders of the appellate authority, the petitioner has preferred a review petition before the revisional authority i.e., respondent No.3 on 28.10.2013. Respondent No.3, instead of considering the case of the petitioner on merits, has rejected the review petition as 'Time Barred' *vide* proceedings, dated 21.04.2014. Challenging the same, the petitioner filed the present writ petition.

4. Learned Standing Counsel appearing for the respondent Corporation has submitted that already the appellate authority has taken a lenient view and modified the punishment of removal of the petitioner from service to that of deferment of annual increment for a period of two years with cumulative effect and hence, the interference of this Court is not warranted.

5. This Court, after considering the rival submissions made by the parties, without expressing any opinion on merits, deems it appropriate that ends of justice would be met if the matter is remanded back to the revisional authority i.e., respondent No.3 to re-consider the case of the petitioner.

6. Accordingly, the Writ Petition is allowed. The matter is remanded back to the revisional authority i.e., respondent No.3 to re-consider the case of the petitioner and pass appropriate orders on merits within a period of four (4) weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

7. Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

Date: 18.04.2018
AMD



THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI



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