

THE HON'BLE SRI JUSTICE SURESH KUMAR KAIT
AND
THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVIL

W.P.NO.42072 OF 2017

ORAL ORDER (Per the Hon'ble Sri Justice Suresh Kumar Kait)

Vide the present petition, petitioners – State challenged the order dated 28-09-2016 passed in O.A.No.3129 of 2013, whereby, the application filed by the respondent under Section 19 of the Administrative Tribunals Act, 1985, has been allowed while setting aside the impugned G.O.Ms.No.72, Health, Medical and Family Welfare (VC.II.1) Department dated 31.3.2011, in imposing the punishment of 25% cut in pension for three years.

Admittedly, the concurrence of the Public Service Commission has not been taken by the respondents before issuing the G.O.Ms.No.72 dated 31.03.2011.

The learned Government Pleader appearing for the petitioners – State, submits that after passing the G.O.Ms.No.72 dated 31.3.2011, the Public Service Commission has given concurrence on 10.05.2011.

Since the aforesaid G.O.Ms.No.72 dated 31.3.2011 has been set aside by the Tribunal and thereafter no fresh order has been passed by the petitioners, we are of the opinion that the present writ petition is not maintainable.

Needless to state that if the State wishes to pass orders afresh, since the concurrence has now been given by Public Service Commission, they can do so by following the procedure established under law.

If the respondent is aggrieved by any order passed by the petitioners, he is at liberty to challenge the same in an appropriate forum.

With the above observation, the writ petition is dismissed. Miscellaneous petitions pending, if any, shall stand closed. No costs.

SURESH KUMAR KAIT,J

ABHINAND KUMAR SHAVIL,J

DATE:22—01—2018

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