

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.2537 of 2013

ORDER:

The writ petition is filed with the following prayer:

"... the Hon'ble Court may be pleased to issue a Writ of Certiorari or any other appropriate writ and quash the order of punishment of compulsory retirement passed by the 2nd respondent in Lr.No.1611/20/V/T1348/256 dated 19.06.2012 and Lr.No.666/20/V/T1348/783 dated 21.11.2012 and consequently direct the respondents to reinstate the petitioner in service with arrears of wages and all other consequential service benefits and continue him in service till the age of superannuation and grant such other relief as it deems fit in the circumstances of the case."

2. Heard M/s. Bharadwaj Associates for the petitioner and Mr. K. Lakshmi Narasimha, learned standing counsel for the respondents.

3. Petitioner contends that he was initially appointed as Attender and after putting in considerable length of service, he was promoted as Cashier-cum-clerk in 1984. While he was discharging his duties at Sithapalmandi Branch of the respondent – bank, during September 2011, it was alleged that though a customer had given Rs.2,42,532/- for closure of gold loan account, the petitioner had deposited only Rs.2,32,532/- to the gold loan account and not accounted Rs.10,000/- on the same day i.e. 23.09.2011 and it has been alleged that the petitioner had deposited Rs.10,000/- belatedly on 27.09.2011. The disciplinary authority had construed the same as misconduct and initiated disciplinary action against the petitioner and after conducting a detailed enquiry, the disciplinary authority had imposed punishment

of compulsory retirement vide order dated 19.06.2012. Thereafter, the petitioner had preferred an appeal to the appellate authority on 29.06.2012 challenging the order of compulsory retirement imposed by the disciplinary authority.

4. The counsel for the petitioner submits that the appellate authority had not considered the grounds raised by the petitioner and had mechanically rejected the appeal preferred by the petitioner vide order dated 21.11.2012. The appellate authority, though had extracted the three grounds raised by the petitioner, while considering the case, had not dealt with these grounds. Therefore, the counsel for the petitioner submits that let the matter be remanded to the appellate authority with a direction to consider all the grounds raised by the petitioner and pass appropriate orders.

5. Learned standing counsel, appearing for the respondents, contended that the appellate authority had passed a reasoned order by considering all the grounds raised by the petitioner. Therefore, there are no merits in the writ petition and it is liable to be dismissed.

6 This Court, having considered the rival submissions made by both parties, is of the view that the appellate authority ought to have effectively evaluated each and every ground raised by the petitioner and decided them on merits. Since non-consideration of the grounds raised by the petitioner would mean that the appellate authority has not considered the appeal on merits on the grounds raised by the petitioner, the impugned order is set aside and the matter is remitted to the appellate authority to consider afresh the grounds raised by the

petitioner in the appeal and pass appropriate orders afresh within a period of eight (8) weeks from the date of receipt of a copy of this order.

The writ petition is allowed. Pending miscellaneous petitions shall stand closed. There shall be no order as to costs.

ABHINAND KUMAR SHAVILI, J

July 16, 2019
DSK

