

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.11871 of 2002

ORDER :

In this writ petition, the petitioner is challenging the action of respondent No.2 – Disciplinary Authority in imposing the punishment of reducing his pay by three stages in the Scale of Pay vide order dated 29.06.2001, which was confirmed by the 1st respondent – Appellate Authority vide order dated 20.12.2001, as illegal and arbitrary.

Heard learned counsel for the petitioner and Sri T.S. Venkata Ramana, learned Standing Counsel for the respondents – South Central Railways.

Learned counsel for the petitioner submits that the above said punishment orders were passed without cumulative effect and with the passage of time, the said punishment has worked out on its own. However, he would submit that because of the punishment imposed by the respondents against the petitioner, the respondents are not considering the case of the petitioner under Modified Assured Career Promotion (MACP) Scheme and, therefore, sought that the writ petition be disposed of directing the petitioner to submit a fresh representation seeking promotion under MACP Scheme and for other benefits and the respondents be directed to dispose of such representation in accordance with law.

Having considered the rival submissions made by the learned counsel for the respective parties, this Court is of the considered view that this writ petition can be disposed of directing the petitioner to submit a fresh representation seeking promotion under MACP Scheme with all other benefits within a period of two (2) weeks from the date of receipt of a copy of this order. Upon such representation being received, the respondents shall consider the same and pass appropriate orders in accordance with law within a period of six (6) weeks thereafter.

With the above observations, the writ petition is disposed of. No order as to costs.

As a sequel, miscellaneous petitions pending, if any, in this writ petition shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

31.01.2019.
Msr

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