

HON' BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.6403 of 2019

ORDER:

This Writ Petition is disposed of at the admission stage with the consent of both the parties.

The petitioner is seeking a Writ of Mandamus declaring the action of the second respondent in not passing any orders in the mercy petition filed on 12.08.2010, against the orders passed by the third respondent in Proc.No.PA/ 19(37)/ 2010-RM.NLG, dated 02.07.2010, wherein the punishment of reduction of two incremental stages for a period of two years is modified to that of one year, as illegal and arbitrary.

Heard Sri G.Rajesh, learned counsel for the petitioner and Sri A.Ravi Babu, learned Standing Counsel appearing for the respondents.

It has been contended by the petitioner that she was initially appointed as Conductor and while she was discharging her duties as Conductor, the officials of the respondents have conducted a check on 02.11.2010 and found that she was involved in cash and ticket irregularities. The disciplinary authority initiated disciplinary proceedings and imposed punishment of removal from service, vide order dated 21.07.2009. Aggrieved by the same, the petitioner preferred an appeal to the appellate authority and the appellate authority was pleased to modify the punishment of removal to that of reduction of pay by two incremental stages for a period of two years which shall have an effect on future increments, vide order dated 29.12.2009. Aggrieved by the same, the petitioner preferred a review before the third respondent and the third respondent was pleased to modify the punishment of reduction of pay by two incremental stages from two years to one year with cumulative effect. Aggrieved by the

same, the petitioner has preferred a mercy petition before the second respondent on 02.07.2010 which was received by the second respondent on 12.08.2010. But the second respondent did not pass any orders on the mercy petition preferred by the petitioner. Therefore, the learned counsel for the petitioner contends that appropriate orders be passed in the Writ Petition directing the second respondent to pass appropriate orders on the mercy petition preferred by the petitioner.

Learned Standing Counsel appearing for the respondents would submit that the case of the petitioner would be considered and appropriate orders would be passed on the mercy petition preferred by the petitioner.

In view of the said submission, this Writ Petition is disposed of directing the second respondent to consider the mercy petition submitted by the petitioner on 12.08.2010 and pass appropriate orders, in accordance with law, within eight weeks from the date of receipt of a copy of this order. No order as to costs.

Consequently, Miscellaneous Petitions, if any, pending shall stand closed.

ABHINAND KUMAR SHAVILI, J

Date: 28.03.2018.
vhb