

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.27007 of 2005

ORDER :

Aggrieved by the order dated 19.06.2001 passed by the Disciplinary Authority imposing the punishment of withholding of annual increment for a period of two years with cumulative effect, the petitioner has preferred an appeal before the Appellate Authority and the Appellate Authority vide order dated 18.03.004 has rejected the said appeal, thereby confirming the order passed by the Disciplinary Authority. Thereafter, the petitioner has preferred a review before the Reviewing Authority and the Reviewing Authority has also rejected the review vide order dated 30.07.2004.

Heard Sri S.M. Subhan, learned counsel for the petitioner and Sri V.T.M. Prasad, learned Standing Counsel for the respondents – Corporation.

Learned counsel for the petitioner contends that initially disciplinary action was initiated against the petitioner on the allegation that the petitioner has driven the Bus in a rash and negligent manner, which resulted in a fatal accident, wherein a Cyclist had expired in collision with the Bus. Learned counsel for the petitioner further contends that the criminal prosecution was also launched against the petitioner for rash and negligent driving and after full-fledged trial by a competent

Criminal Court in C.C.No.71 of 2002, the petitioner was acquitted of the criminal charge vide judgment dated 28.10.2003 in C.C.No.71 of 2002. Thereafter, the petitioner has submitted a representation dated 05.09.2004 requesting to set aside the punishment imposed against him by the Disciplinary Authority by duly taking into account the judgment dated 28.10.2003 in C.C.No.71 of 2002 rendered by the competent Criminal Court acquitting the petitioner of the criminal charge on the very same set of allegations. However, no orders have been passed on the said representation and the same is still pending before the respondents. Therefore, learned counsel for the petitioner contends that appropriate orders be passed in the writ petition directing the respondents to consider the representation dated 05.09.2004 of the petitioner and pass appropriate orders in accordance with law within a reasonable period of time.

The learned Standing Counsel for the respondent Corporation submits that since the representation dated 05.09.2004 submitted by the petitioner is still pending with the respondents, appropriate orders would be passed thereon in accordance with law.

Having considered the said 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 respondents to consider the representation dated

05.09.2004 submitted by the petitioner and pass appropriate orders in accordance with law within a period of four (4) weeks from the date of receipt of a copy of this order.

With the above observations, this 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

22.01.2019.
Msr

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