

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.13274 of 2019

ORDER:

This writ petition is being disposed of at the admission stage with the consent of both the parties.

2. The writ petition is filed with the following prayer:

"...the Hon'ble Court may be pleased to issue Write or Order or direction more particularly one in the Writ of Mandamus declaring the action of respondents in not considering the case of petitioner for promotion to the post of Senior Assistant though the punishment of stoppage of one Annual Grade Increment with cumulate effect imposed by the 1st respondent in his proceedings A3/86/2017-1 and A3/86/2017-3 dated 20-2-17 currency of punishment expired on 19-2-2019 as illegal, arbitrary and unjust and consequentially direct the respondents to consider the petitioner for promotion to the post of Senior Assistant as the petitioner already undergone the penalty period and pass such other order or orders as this Hon'ble Court may deem fit and proper"

3. Heard Mr. K.R. Srinivas, learned counsel for the petitioner and learned Government Pleader for Services II.

4. Petitioner contends that while he was working as Junior Assistant, the disciplinary authority had imposed punishment of stoppage of one Annual Grade increment with cumulative effect from 20.02.2017 and the currency of the punishment expired by 19.02.2019. Petitioner submits that he is fully eligible and qualified to be promoted to the post of Senior Assistant but the respondents are not considering his case on the ground that petitioner has suffered punishment of stoppage of one Annual Grade increment.

5. The counsel for the petitioner would submit that since the currency of the punishment of the petitioner expired by 19.02.2019, there is no bar for the respondents to consider the case of the

petitioner without reference to the punishment imposed by the disciplinary authority.

6. Learned Government Pleader submits that since the currency of the punishment of the petitioner expired by 19.02.2019, the respondents would consider the case of the petitioner for promotion and pass appropriate orders.

7. This Court, having considered the rival submissions made by both parties, is of the considered view that the writ petition can be disposed of by directing the respondents to consider the case of the petitioner for promotion to the post of Senior Assistant, as the currency of the punishment imposed by the disciplinary authority has expired on 19.02.2019.

With the above observations, the writ petition is disposed of. Pending miscellaneous petitions shall also stand dismissed. There shall be no order as to costs.

ABHINAND KUMAR SHAVILI, J

July 2, 2019
DSK