

High Court for the State of Telangana

The Hon'ble The Chief Justice Raghvendra Singh Chauhan

and

The Hon'ble Sri Justice A. Abhishek Reddy

I.A.No. 1 of 2019 in/& W.A. No. 591 of 2019

Date: 16-09-2019

Between:

The District Manager
Telangana State Civil Supply Corporation Ltd.,
Karimnagar District

...Appellant

And

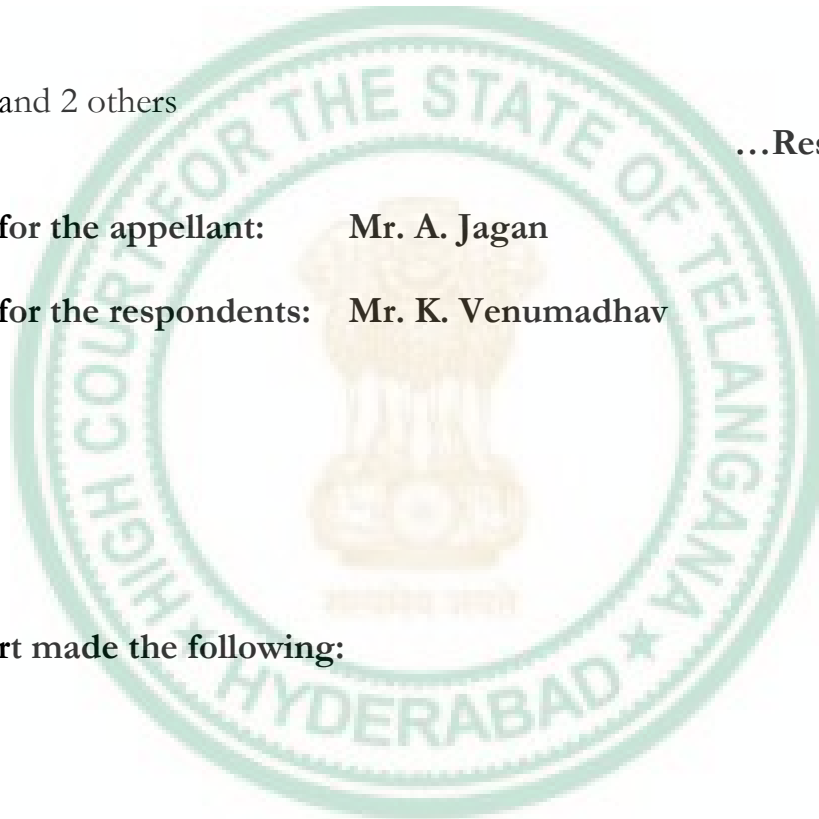
S. Ashok and 2 others

...Respondents

Counsel for the appellant: Mr. A. Jagan

Counsel for the respondents: Mr. K. Venumadhav

The Court made the following:



Common Judgment: (per Hon'ble The Chief Justice Raghvendra Singh Chauhan)

The appellant, Telangana State Civil Supply Corporation Limited, is aggrieved by order dated 10-04-2019, passed by the learned Single Judge in Writ Petition No.18678 of 2016, whereby the learned Single Judge has allowed the writ petition filed by the respondent No. 1, Mr. S. Ashok, challenging his punishment order dated 03-05-2016, whereby he was punished with '*withholding of one increment with cumulative effect and the suspension period shall be treated as not on duty*'.

I.A. No. 1 of 2019 is filed for condonation of delay of 62 days in filing the appeal.

The learned counsel for the appellant submits that the learned Single Judge is unjustified in concluding that no enquiry was held by the appellant against respondent No. 1. According to the learned counsel, the appellant had clearly stated in its counter that, in fact, an enquiry was held in compliance of the order passed by this Court in WP. No. 3075 of 2016. Therefore, the observation made by the learned Single Judge is belied by the record of the case. Moreover, according to the learned counsel, the said contention was also orally raised before the learned Single Judge. However, the learned Single Judge has not dealt with the said contention in the impugned order.

In catena of cases, the Hon'ble Supreme Court has clearly opined that if a contention has been raised before a Court, but it does not find

any mention in the impugned order, the party aggrieved by the order is required to file a review petition before the concerned Court. For, whether a contention was raised before a learned Judge or not cannot be decided by the appellate Court.

Since the learned counsel for the appellant pleads that a contention was, indeed, raised, which the learned Single Judge has failed to take notice of, the appellant is required to file a review petition before the learned Single Judge. Once this fact was pointed out to the learned counsel for the appellant, he seeks time to file the review petition.

Therefore, the delay of 62 days in filing the appeal is condoned, and the appeal is disposed of.

As a sequel, miscellaneous petitions, pending if any, stand dismissed as infructuous.

(Raghvendra Singh Chauhan, CJ)

(A. Abhishek Reddy, J)

Dt: 16th September, 2019
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