

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.19677 OF 2019

Date: 26.09.2019

Between:

Saber Hussain S/o.Khairath Hussaian,
Aged 56 yrs, Occu : Head Constable (Civil),
Mustaidpura, Nizamabad

.....Petitioner

And

State of Telangana,
Rep., by its Principal Secretary,
Home Department,
Secretariat Buildings,
Telangana, Hyderabad & another

.....Respondents



The Court made the following:

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO**WRIT PETITION NO.19677 OF 2019****ORDER:**

Heard learned counsel for petitioner and learned Government Pleader. With consent of both the Counsel, the Writ Petition is disposed of at the admission stage.

2. Petitioner was imposed punishment of with holding of two annual grade increments with cumulative effect by order dated 13.01.2014. The increment of the petitioner was due on 01.02.2014. Therefore, the increment due on 01.02.2014 has to be with held followed by next year increment. Petitioner was promoted as Head Constable on 23.01.2018. By the order impugned he is reverted holding that he was erroneously promoted during currency of punishment.

3. According to the policy of Government, an employee who is visited with punishment of with holding of two increments with cumulative effect is not entitled to be granted promotion for a period of four years.

4. The due date of increment was 1st February. Therefore, the effect of order of punishment dated 13.01.2014 was till 31.01.2018 i.e., a day before the increment was due for the year. Thus, petitioner was not eligible for promotion till 31.01.2018, whereas, on 23.01.2018 he was promoted. By the order impugned, holding that petitioner was under currency of punishment, he was reverted to the substantive post of Police Constable.

5. Thus, I do not see any illegality in the order warranting interference. However, since the currency of punishment came to an end by 31.01.2018, just few days after the actual promotion granted to him, the Commissioner of Police, Nizamabad is directed to review the case of petitioner for promotion after the currency of punishment and from the date of promotion of any junior after the said date of currency of punishment.

6. With the above observations, the Writ Petition is disposed of. Pending miscellaneous petitions, if any, shall stand closed.

P.NAVEEN RAO, J

26th September, 2019
Rds

