

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.23058 of 2019

ORDER

This writ petition is filed seeking the following relief:

“.....to issue an order, direction or writ more particularly one in the nature of Writ of Mandamus declaring the action of the 3rd respondent in issuing the proceedings dated 24.08.2013 imposing the punishment of deferment of two annual increments for a period of two years with cumulative effect besides treating the period of suspension as 'not on duty' for all purposes as wholly illegal, arbitrary and unjust and consequently direct the 1st respondent to pass appropriate orders on the appeal dated 19/01/2019 filed by the petitioner and pass such further other order or orders as this Hon'ble Court may deem fit and proper under the circumstances of the case.”

Heard Sri G.Ravi Mohan, learned counsel appearing for the petitioner, and learned Standing Counsel appearing for the respondent-Corporation.

It is the case of the petitioner that he was appointed as Driver in the respondent-Corporation in the year 1984 and he is discharging his duties as such. While so, charge sheet dated 4.6.2013 was issued to him on the ground that he caused fatal accident to the bus. Construing the said incident as misconduct, the respondents have initiated disciplinary proceedings against the petitioner. After conducting detailed

enquiry and for the proven misconduct, the disciplinary authority has imposed the punishment of deferment of annual increment for a period of two years with cumulative effect besides treating the suspension period as 'not on duty' vide proceedings dated 24.08.2013. For the very same offence, criminal prosecution was also launched against the petitioner and he was tried by the competent criminal Court vide C.C.No.146 of 2013. The I Additional Judicial Magistrate of First Class, Mancherla, vide judgment dated 24.12.2018 acquitted him. Hence, the petitioner preferred an appeal before the 1st respondent on 19.1.2019 to re-consider the punishment imposed against him by the disciplinary authority in view of his acquittal by the competent criminal Court. But, so far, the appellate authority has not passed any orders thereon.

Learned counsel appearing for the petitioner submits that appropriate orders be passed directing the 1st respondent to dispose of the appeal preferred by the petitioner.

Learned Standing Counsel appearing for the respondents submits that 1st respondent would dispose of the appeal preferred by the petitioner, in accordance with the Rules.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the considered view that this Writ Petition can be disposed of directing the 1st respondent-appellate authority to dispose of the appeal preferred by the petitioner on 19.01.2019 within a period of eight weeks from the date of receipt of a copy of this order.

Accordingly, the Writ Petition is disposed of. No costs.

Pending miscellaneous petitions, if any, shall stand closed.

23rd October, 2019
rkk

JUSTICE ABHINAND KUMAR SHAVILI

