

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION Nos.25132 & 25179 of 2019

COMMON ORDER:

As the same issue is raised in both these writ petitions, they are heard together and are being disposed of by this common order. For the purpose of disposal, the facts as narrated in W.P.No.25132 of 2019 are discussed hereunder.

2. The writ petition is filed seeking a writ of Certiorari to call for the records related to and connected with the impugned proceedings dated 16.08.2017 issued by respondent No.1 and Memo dated 30.06.2018 of the 2nd respondent and set aside the same by holding as arbitrary and illegal and violative of Articles 14 and 16 of the Constitution of India and sought consequential direction directing respondents to drop disciplinary proceedings against the petitioner and accord all consequential service and monetary benefits forthwith.

3. Heard Sri P.Amarender, counsel for petitioner and G.P. for Services-III appearing for respondents.

4. It has been contended by the petitioner that he is working as a Junior Assistant with the respondents and while he was discharging his duties, the 1st respondent had initiated disciplinary proceedings, and after conducting regular inquiry, has imposed the punishment of stoppage of three annual grade increments with cumulative effect vide proceedings dated 16.08.2017. Thereafter, the petitioner has preferred appeal to the appellate authority i.e. 2nd respondent. The 2nd respondent had

mechanically rejected the appeal preferred by the petitioner, vide cryptic orders dated 30.06.2018, without assigning any reasons. Though the petitioner has raised several legal grounds before the 2nd respondent, the 2nd respondent had not addressed any of the legal issues raised by him in the appeal and mechanically rejected the same. Therefore, counsel for petitioner contends that let the matter be remanded to respondent No.2 for re-considering the appeal on merits and let the 2nd respondent pass a reasoned order on each of the legal issues raised by the petitioner in accordance with law.

5. The Government Pleader appearing for respondents has contended that the 2nd respondent will examine the case of the petitioner afresh and pass speaking orders by dealing with each of the legal issues raised by the petitioner and pass appropriate orders in accordance with law.

6. This Court, having considered the rival submissions made by the parties, is of the considered view that the appellate authority i.e. the 2nd respondent has rejected the appeal of the petitioner with the following cryptic observations :

“ In the reference 3rd cited, the Transport Commissioner, Hyderabad while furnishing the remarks on the appeal of Sri Ahmed Mohiuddin, Junior Asst., has stated that, there is no substance in the contents made in the appeal which is liable to be rejected and requested the Government to take necessary action in the matter.

Government after careful examination of the appeal observed that the appeal filed by Sri Ahmed Mohiuddin, Junior Assistant has no merits and liable to be rejected and

the penalties imposed by the Transport Commissioner against him holds good.”

7. A perusal of the said rejection orders passed by the appellate authority in the appeal preferred by the petitioner shows that the said orders are passed without application of mind and without assigning reasons. Therefore, the impugned rejection orders passed by the 2nd respondent vide Memo dated 30.06.2018 are liable to be set aside and the matter is remitted back to the 2nd respondent, who shall consider the appeal filed by the petitioner afresh and pass appropriate orders in accordance with law after giving reasonable opportunity to the petitioner, within a reasonable period of time, preferably within a period of three months from the date of receipt of a copy of this order. It is needless to mention that the appellate authority shall consider the appeal of the petitioner afresh in accordance with Rule 37 of TSCS (CCA) Rules, 1964.

8. With the above directions, both the writ petitions are disposed of. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

30th December, 2019

ajr