

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.25859 OF 2019

ORDER:

This writ petition is filed seeking the following relief:

“..to issue an appropriate Writ, Order or Direction, more particularly one in the nature of writ of mandamus declaring the action of the Respondents in withholding petitioner promotion to the post of Senior Line Inspector by not forwarding petitioner name to the Departmental Promotion Committee in view of the minor punishment issued to petitioner *vide* Memo No. DEE/OP/KMR/JAO/ADM/E2/D.No.601/19 Dated: 10.07.2019 as illegal, arbitrary and violative of Article 14, 16 and contrary to the Regulation 5 (iii) of the APSEB employees D&A of the Respondent Company and consequently direct the Respondents to promote petitioner to the post of Senior Line Inspector in view of the seniority list confirmed in Memo No. DEE/OP/KMR/JAO/ADM/E2/D.No.601/19 Dated: 10.07.2019 and pass such other order or orders as this Hon'ble Court may deem fit and proper in the interest of justice.”

Heard Sri Ravi Chandra Bejjaram, counsel for the petitioner, and Sri Zakir Ali Danish, Standing Counsel appearing for the respondents.

It has been contended by the petitioner that he is working as Line Inspector and he is fully eligible and qualified to be promoted to the post of Senior Line Inspector. The grievance of the petitioner is that the punishment of withholding of two annual grade increments with cumulative effect was imposed on him *vide* proceedings dated

23.12.2017. The petitioner also contended that as per the seniority list dated 10.07.2019, he is entitled for promotion to the post of Senior Line Inspector, but the respondents are not forwarding his name to the Departmental Promotion Committee for promotion to the post of Senior Line Inspector.

Counsel for the petitioner has drawn attention of this Court to APSEB Employees Discipline and Appeal Regulations, wherein it is clearly stated that the punishment of withholding of increments or promotion can be imposed, and contended that in the instant case, the respondents have imposed the punishment of withholding of two annual grade increments, but not promotion. The counsel for the petitioner further submitted that since the punishment imposed on the petitioner is only withholding of two annual grade increments with cumulative effect *vide* proceedings dated 23.12.2017, the respondents ought to have considered the case of the petitioner for promotion to the post of Senior Line Inspector, therefore, appropriate orders be passed in the writ petition directing the respondents to consider the case of the petitioner for promotion to the post of Senior Line Inspector, as the respondents have not imposed the punishment of withholding promotion, but imposed the punishment of withholding of two annual grade increments with cumulative effect.

Standing Counsel appearing for the respondents had contended that the punishment imposed on the petitioner is withholding of two annual grade increments with cumulative effect *vide* proceedings

dated 23.12.2017 and the currency of punishment will expire only on 23.12.2019 and the petitioner is undergoing the said punishment. Standing Counsel further submitted that during currency of punishment, the case of the petitioner cannot be considered, therefore, there are no merits in the writ petition and the writ petition is liable to be dismissed.

This Court, having considered the submissions of learned counsel for respective parties, is of the considered view that admittedly the punishment of withholding of two annual grade increments with cumulative effect was imposed on the petitioner on 23.12.2017 and the currency of the said punishment will come to an end on 23.12.2019 and the case of the petitioner cannot be considered for promotion to the post of Senior Line Inspector during currency of the said punishment. Hence, the writ petition is devoid of merits and the same is liable to be dismissed.

Accordingly, the writ petition is dismissed. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

