

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.6086 OF 2017

ORDER:

This writ petition is filed seeking the following relief:

“....to issue Writ, order or direction or writ more particular one in the nature of Writ of Certiorari and after calling for the records in I.D.No.5/2013, dt.22.01.2016 on the file of the Hon'ble 1st respondent in so far as denying annual increments for two years and treating the absence period as not on duty for all purposes as illegal, arbitrary and unjust and consequently quash the award by granting increments and treat the absence period as on duty for all purposes and pass such other order or orders as this Hon'ble Court may deems fit and proper under the circumstances of the case.”

Heard learned counsel for the parties.

Learned counsel for the petitioner submitted that the petitioner was imposed the punishment of deferment of two annual increments without cumulative effect, however, on expiry of currency of the said punishment, the respondents have not added two increments to the petitioner as per Rules. Therefore, counsel for the petitioner submitted that appropriate orders be passed in the writ petition directing the respondents to consider the case of the petitioner for release of deferred annual increments with all consequential benefits.

Standing Counsel appearing for the respondents had contended that the case of the petitioner would be considered and appropriate orders would be passed if only the petitioner submits a representation afresh to the respondents.

This Court, having considered the rival submissions of learned counsel for respective parties, is of the considered view that this writ petition can be disposed of directing the petitioner to submit a representation afresh within a period of two weeks from the date of receipt of a copy of this order, staking his claim for release of deferred annual increments with all consequential benefits on expiry of currency of punishment. Upon such representation being received, the respondents shall consider the same and pass appropriate orders in accordance with law, within a period of eight weeks thereafter.

With the above directions, the writ petition is disposed of. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

23rd October, 2019
v v