

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.31075 of 2017

ORDER:

This writ petition is filed seeking the following relief :-

“ ....to issue the Writ or order/ s more particularly one in the nature of Writ Mandamus declaring the inaction of the respondents in payment of salary to the petitioner for the period of 13.11.2014 to 28.04.2015 as being illegal, arbitrary, unconstitutional and violative of Articles 21 and 300-A of the Constitution of India and consequently direct the respondents to pay salary to the petitioner for the period of 13.11.2014 to 28.04.2015 ....”

Heard Mr.V.Venkata Mayur, learned counsel for the petitioner and Sri N.Vasudeva Reddy, learned Standing Counsel for respondents.

It has been contended by the petitioner that he is working as a Traffic Inspector and discharging his duties to the best satisfaction of his superiors and everyone concerned. While so, the respondents have issued a charge-sheet on 11.11.2014 alleging that the petitioner has absconded from duties and accordingly issued order dated 12.11.2014. Aggrieved by the order dated 12.11.2014, the petitioner has filed W.P.No.35613 of 2014 and this Court was pleased to dispose of the said writ petition vide order dated 26.11.2014 directing the respondents to complete the enquiry and pass final orders within a period of six weeks from the date of receipt of a copy of the said order. Pursuant to the said order, the respondents have concluded the disciplinary proceedings and imposed the punishment of deferment of annual grade increments for a period of two years without cumulative effect against the petitioner. Aggrieved by the same, the petitioner has preferred an appeal

before the appellate authority and the appellate authority has confirmed the order of the disciplinary authority. Further aggrieved thereby, the petitioner has filed a revision and the revisional authority was pleased to modify the punishment of deferment of annual grade increment for a period of one year without cumulative effect. During pendency of the disciplinary proceedings, the petitioner was transferred from Kachiguda Depot to Ibrahimpatnam Depot. Challenging the said transfer order, the petitioner has filed W.P.No.5730 of 2015 and this Court was pleased to allow the said writ petition vide order dated 24.03.2015. Pursuant to allowing of the said writ petition, the respondents have issued posting orders to the petitioner on 28.04.2015 and accordingly the petitioner has reported to duty on 29.04.2015 and ever since then, he has been discharging his duties.

Learned counsel for the petitioner contended that the period from 13.11.2014 to 28.04.2015 was not regularized by the respondents and no salary was paid to the petitioner. Though the petitioner has submitted a representation to the respondents on 01.04.2017, so far, the respondents have not passed any orders on the said representation nor paid salary to the petitioner for the period from 13.11.2014 to 28.04.2015. Therefore, learned counsel for the petitioner submits that appropriate orders be passed in the writ petition directing the respondents to consider the case of the petitioner for payment of salary from 13.11.2014 to 28.04.2015 by duly considering the representation submitted by the petitioner on 01.04.2017.

The learned Standing Counsel appearing for the respondents submits that if the petitioner submits a fresh representation to the

respondents, the case of the petitioner will be considered and appropriate orders would be passed in accordance with law.

This Court, having considered the rival submissions made by the learned counsel for the respective parties, is of the considered view that this writ petition can be disposed of directing the petitioner to submit a fresh representation to the respondents claiming payment of salary for the period from 13.11.2014 to 28.04.2015 within two weeks from the date of receipt of a copy of this order. Upon such representation being received, the respondents shall consider the same and pass appropriate orders in accordance with law within eight weeks thereafter.

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

Pending miscellaneous petitions, if any, shall stand closed.

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ABHINAND KUMAR SHAVILI, J

Date: 05-07-2019  
Prv

