

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.27078 OF 2018

ORDER

This writ petition is filed seeking the following relief:

“....to issue a Writ, Order or Direction particularly one in the nature of Writ of Mandamus declaring the impugned order of the 2nd respondent imposing punishment of withholding of 1 increment without cumulative effect to the petitioner vide Progs No.A/02/2018 dated 13.07.2018 as ultra-vires, illegal, without jurisdiction, violative of Articles 14 and 21 of the Constitution of India and consequently set aside the same with all consequential benefits including salary for the suspension period, promotion etc and pass such and further orders in the interest of justice.”

Heard Sri S.Rahul Reddy, learned counsel appearing for the petitioner and learned Government Pleader for Services-II appearing for the respondents.

It is the case of the petitioner that he is working as Panchayat Secretary Grade-I. While so, the 2nd respondent-District Collector had initiated disciplinary proceedings against him and imposed the punishment of withholding of one annual increment without cumulative effect *vide* proceedings dated 13-7-2018.

Learned counsel appearing for the petitioner contends that the disciplinary authority for Panchayat Secretary is the Commissioner of Panchayat Raj and Rural Employment

whereas, the 2nd respondent, who is the incompetent authority has imposed the punishment; that in support of his contention, learned counsel placed reliance on the Division Bench judgment of this Court in W.A.No.1418 of 2018, dated 23.10.2018, wherein it was observed that for Panchayat Secretary, the disciplinary authority is the Commissioner, but not the District Collector; and that the impugned order is liable to be set aside.

Learned Government Pleader appearing for the 2nd respondent submits that the impugned order be set aside and liberty be given to the competent authority to initiate disciplinary action against the petitioner in accordance with law.

Having considered the said submissions made by the learned counsel on either side, this Writ Petition is allowed and the impugned order dated 13.7.2018 passed by the 2nd respondent is set aside. However, liberty is given to the competent authority to initiate disciplinary action against the petitioner, if they are so advised. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

3rd April, 2019
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