

**HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI**

**WRIT PETITION NO.3518 OF 2012**

**ORDER:**

This writ petition is filed seeking a Writ of Mandamus declaring the action of the respondents in imposing the punishment of stoppage of three annual grade increments with cumulative effect vide proceedings dated 28.12.2006 and rejecting the appeal vide orders dated 09.08.2007 and also rejecting the review petition vide orders dated 27.12.2011, as illegal and arbitrary and in violation of Articles 14 and 16 of the Constitution of India and sought a consequential direction to the respondents to pay consequential arrears of increments to the petitioner.

Sri M.V.Rama Rao, counsel for the petitioner, and Sri R.Vinod Reddy, Standing Counsel appearing for the respondents.

It has been contended by the petitioner that initially he was appointed as Helper and subsequently promoted as Line Inspector. It is also stated by the petitioner that while he was discharging his duties as Line Inspector, on the allegation that because of his negligence, sealing pliers were misplaced, disciplinary proceedings were initiated against him and he was issued show cause notice, to which he submitted explanation. The petitioner also contended that without conducting any enquiry, the disciplinary authority has straight away issued proceedings dated 28.12.2006 imposing the punishment of stoppage of three annual grade increments with cumulative effect.

Aggrieved thereby, the petitioner has preferred appeal to the appellate authority and the same was rejected vide orders dated 09.08.2007. Thereafter, the petitioner has preferred review petition/mercy petition and the said petition was also rejected vide orders dated 27.12.2011. Challenging the same, the present writ petition is filed.

Counsel for the petitioner submitted that without conducting any enquiry, the respondents have imposed the major punishment of stoppage of three annual grade increments with cumulative effect and the same is contrary to the law laid down by the Hon'ble Supreme Court in **Kulwant Singh Gill v. State of Punjab**<sup>1</sup> and also contrary to the law laid down by this Court in **G. Gangaram v. APSEB, Hyderabad and another**<sup>2</sup>, therefore, impugned orders be set aside. Counsel for the petitioner has also informed the Court that the petitioner has attained the age of superannuation during pendency of this writ petition.

Standing Counsel appearing for the respondents had contended that as per the Regulations, the punishment of stoppage of annual grade increments with cumulative effect is minor punishment and the respondents are not obligated to conduct a detailed enquiry for imposing such punishment, therefore, there are no merits in the writ petition and the writ petition is liable to be dismissed.

This Court, having considered the rival submissions of learned counsel for respective parties, is of the considered view that the issue

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<sup>1</sup> 1991 SCC (L&S) 998

<sup>2</sup> 2005 (5) ALD 32

raised by the petitioner as to whether the respondents can impose the punishment of stoppage of increments with cumulative effect without conducting any enquiry, fell for consideration before the Hon'ble Supreme Court and also this Court in the judgments referred supra and the Hon'ble Supreme Court has categorically held that the punishment of stoppage of increments with cumulative effect cannot be imposed without conducting any enquiry, as the same is major punishment. Therefore, by following the dicta laid down by the Hon'ble Supreme Court as well as this Court in the judgments referred supra, the impugned orders are liable to be set aside.

Accordingly, the writ petition is allowed and the impugned orders are set aside. The respondents are directed to pay all consequential benefits and retiral benefits, if any, to the petitioner within a period of two months from the date of receipt of a copy of this order. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

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**ABHINAND KUMAR SHAVILI, J**

25<sup>th</sup> September, 2019

v v

