

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.24194 of 2016

ORDER

This Writ Petition is filed seeking the following relief:

“To issue an order or direction more particularly one in the nature of writ of mandamus declaring the action of respondent No.2 in imposing the punishment of postponement of two annual grade increments with cumulative effect *vide* proceeding No.RC No.Z-V1/29912/2012, dated 03-11-2014 of the 2nd respondent as illegal, arbitrary, violative of Articles 14 and 16 of the Constitution of India and also violative of principles of natural justice and consequently set aside the said orders dated 03-11-2014 and pass such other order or orders as this Hon’ble Court may deem fit and proper in the circumstances of the case in the interest of justice.”

Heard learned counsel appearing for the petitioner, learned Government Pleader for School Education appearing for respondent No.1 and Sri N.Bhupal Reddy, learned Standing Counsel appearing for respondent Nos.2 to 4.

The petitioner is working as a Junior Lecturer in Chemistry. It has been alleged by the disciplinary authority that he had absented to his duty on 24.09.2012 at 10-00 A.M when inspection was going on. The defence of the petitioner is that since the in-charge principal has instructed the

teaching staff to commence the classes from 11.30 onwards, he was not available at 10-00 A.M.

Learned counsel appearing for the petitioner submits that identical charge was levelled against 17 other employees and the disciplinary authority after conducting enquiry, had imposed the major punishment of postponement of two annual grade increments with cumulative effect *vide* order dated 3.11.2014. Learned counsel further submits that similarly situated employee had preferred an appeal against the punishment order before the appellate authority and the appellate authority had set aside the punishment of stoppage of two annual grade increments with cumulative effect *vide* order dated 19.01.2017. Learned counsel also submits that the petitioner has filed an appeal before the appellate authority on 02.02.2015, but so far, no orders have been passed thereon. Learned counsel prays that the appellate authority be directed to dispose of the appeal preferred by the petitioner by duly taking into consideration the fact that the appellate authority has set aside the impugned punishment order in respect of other similarly situated employee.

Learned Standing Counsel appearing for the respondents contends that the appellate authority would

consider the appeal preferred by the petitioner on 2.2.2015 and pass appropriate orders.

Having considered the rival submissions made by the learned counsel on either side, this Writ Petition can be disposed of directing the appellate authority to dispose of the appeal preferred by the petitioner on 2.2.2015 by duly taking into consideration the order of the appellate authority dated 19.1.2017 and pass appropriate orders, in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

Accordingly, the Writ Petition is disposed of. No costs.

Miscellaneous petitions, pending, if any shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

26th August, 2019
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