

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.43659 of 2018

ORDER:

This writ petition is filed seeking a Writ of Mandamus, declaring the action of respondents in not regularizing the suspension period from 22.09.2010 to 16.06.2011 of the petitioner as eligible leave as per Rules and not granting annual grade increments from 2014 onwards i.e. after the expiry of punishment of withholding of three annual grade increments with cumulative effect, as arbitrary, illegal, without jurisdiction and violative of Articles 14, 21 and 300-A of the Constitution of India and sought consequential directions directing the respondents to fix the pay and to pay the arrears of difference of pay, by regularizing the suspension period of petitioner from 22.09.2010 to 16.06.2011 as eligible leave as per Rules by adding annual grade increments from 2014 onwards i.e. after the expiry of the punishment of withholding of three annual grade increments with cumulative effect, with all consequential benefits.

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

It has been contended by the petitioner that he was initially appointed as Special Teacher on 25.02.1987. Subsequently, he was promoted as Secondary Grade Teacher (SGT) and further promoted as School Assistant. The petitioner further contend that while he was working as School Assistant at Z.P.H.S., Chadmal, the petitioner was placed under suspension on certain allegations vide proceedings dated

22.09.2010. Thereafter, the disciplinary authority has initiated disciplinary proceedings and after conducting regular inquiry, a major penalty of withholding three annual grade increments with cumulative effect was imposed vide order dated 20.11.2013. The petitioner further submits that even before that, the suspension orders were revoked and the petitioner was reinstated into service vide proceedings dated 16.06.2011. The counsel for petitioner further submits that the petitioner was paid last increment during June 2010 and thereafter, respondents have not released the increments and also not regularized the suspension period in terms of F.R.54 and accordingly contend that appropriate orders be passed directing the respondents to regularize the suspension period in accordance with Rules and also release the increments due in June 2011, June 2012 and June 2013 and further increments, which fell due during June 2017 and June 2018, with all consequential benefits.

Learned Government Pleader appearing for respondents contend that the disciplinary authority would consider the case of the petitioner for regularizing the period of suspension in accordance with Rules and thereafter consider the case of petitioner for release of increments in accordance with Rules.

This Court, having considered the rival submissions of the parties, is of the considered view that this writ petition can be disposed of directing the respondents to regularize the period of suspension of petitioner in accordance with Rule 54 of the Fundamental Rules and also consider the case of the petitioner for release of increments due from

June 2011 to June 2013, June 2017 and June 2018 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.

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

Pending miscellaneous applications, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

2nd January, 2019

ajr

