

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.43592 of 2018

ORDER :

When the matter is taken up for hearing, learned counsel appearing for the petitioner as well as the learned Government Pleader for Services appearing for the respondents had submitted that the issue raised in this writ petition is squarely covered by the judgment dated 02.01.2019 in W.P.No.43659 of 2018 and contend that this writ petition can be disposed of in terms of the orders passed in the above writ petition.

The brief facts of the case are that, while the petitioner was discharging his duties as School Assistant/Low Female Literacy Head Master (LFL HM), vide proceedings dated 18.10.2010 he was placed under suspension for certain irregularities and subsequently, he was reinstated into service vide proceedings dated 16.06.2011 by revoking the suspension order. Thereafter, vide proceedings dated 20.11.2013, the petitioner was imposed with the punishment of major penalty of withholding of three (3) Annual Grade increments with cumulative effect. The grievance of the petitioner is that the respondents are not regularising the suspension period from 18.10.2010 to 16.06.2011 in accordance with the Rules and also not releasing the Annual Grade increments to which the petitioner is entitled for the period from June, 2011 to June,

2013 and also from June, 2017 and June, 2018. Challenging the same, the present writ petition is filed.

Learned counsel for the petitioner submits that appropriate orders be passed in this writ petition directing the respondents to release increments, which fell due to the petitioner during the suspension period in accordance with Rule 54 of the Fundamental Rules and also consider the case of the petitioner for release of the increments due for June 2011, June 2012, 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 the Rules and thereafter would consider the case of petitioner for release of increments in accordance with the Rules.

This Court, having considered the rival submissions of the learned counsel for the respective 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 from 18.10.2010 to 16.06.2011 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 and during June 2017 and June 2018 and pass

appropriate orders in accordance with law within a period of six (6) weeks from the date of receipt of a copy of this order.

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

As a sequel, miscellaneous petitions pending, if any, in this writ petition shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

29.01.2019.
Msr

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