

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.47866 of 2018

ORDER:

This writ petition is filed seeking the following relief:

“This Hon’ble Court may be pleased to issue a writ or order , orders or directions more particularly one in the nature of Writ of Mandamus-

- i) declaring the action of the 1st respondent in not considering and passing of appropriate orders in petitioner’s appeal/representation dt.22.11.2016 made against final order passed vide Memo.No.DEE/OP/SRNR/F.Adm/Confl./D. No.6427, dt.20.2.2007 passed by the 4th respondent in order to setting aside of penalty/punishment of stoppage of two annual grade increments with cumulative effect and also treating the period of suspension from 3.3.2005 till 16.5.2005 as not on duty imposed against him in the light of judgment dt.07.05.2012 passed in CC.No.235 of 2007 on the file of the VII Metropolitan Magistrate, Cyberabad at Hyderabad, as illegal, arbitrary, discriminative, contrary to the circular dt.17.3.2012 besides violative of Arts.14, 16 &21 of the Constitution of India; and
- ii) consequently direct the 1st respondent to consider petitioner’s appeal/representation dt.22.11.2016 in the light of judgment dt.07.05.2012 passed in CC.No.235 of 2007 on the file of the VII Metropolitan Magistrate, Cyberabad at Hyderabad; and pass such other order or orders or directions as this Hon’ ble Court may deem fit and proper in the circumstances of the case.”

Heard Sri Peeta Raman, learned counsel for the petitioner and the learned Standing Counsel for the 1st respondent.

The case of the petitioner is that he was initially appointed as Helper in the year 1994 on compassionate grounds. While he was discharging

his duties, during the year 2005, he was placed under suspension vide memo dated 3.3.2005 on the allegation of unauthorizedly removing of live line departmental conductor at Majidpur village. Subsequently, departmental proceedings were initiated and a criminal case was also registered against the petitioner in FIR.No.84/2005 under Section 379 of I.P.C. The petitioner further submits that the disciplinary authority had conducted regular enquiry and after conducting enquiry, the disciplinary authority had imposed punishment of stoppage of two annual grade increments with cumulative effect besides treating the suspension period as not on duty. Aggrieved by the same, the petitioner has preferred an appeal to the 1st respondent on 22.11.2016.

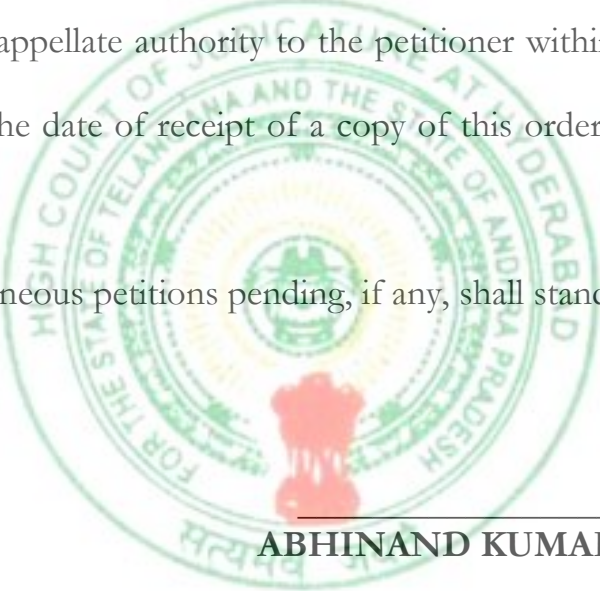
Learned counsel for the petitioner submits that the competent criminal court has acquitted the petitioner in CC.No.235 of 2007 vide judgment dated 7.5.2012 and that on the very same set of allegations, the disciplinary authority had imposed punishment of stoppage of two annual grade increments with cumulative effect besides treating the suspension period as not on duty. Learned counsel further submits that as the appellate authority has not disposed of the appeal preferred by the petitioner, the writ petition can be disposed of directing the appellate authority to dispose of the appeal within a reasonable time.

Learned standing counsel appearing for the 1st respondent submits the 1st respondent may be directed to pass appropriate orders on the appeal preferred by the petitioner, in accordance with rules, after giving opportunity to the petitioner.

This court having considered the submissions made by the parties, is of the opinion that since the petitioner has preferred appeal dated 22.11.2016 before the 1st respondent against the orders passed by the disciplinary authority dated 20.2.2007, ends of justice would be met, if this writ petition is disposed of directing the appellate authority to dispose of the appeal preferred by the petitioner on 22.11.2016.

Accordingly, the Writ Petition is disposed of directing the 1st respondent to dispose of the appeal dated 22.11.2016 preferred by the petitioner and pass appropriate orders and communicate the decision taken by the appellate authority to the petitioner within a period of six weeks from the date of receipt of a copy of this order. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.



ABHINAND KUMAR SHAVILI, J

Date: 02/01/2019

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