

THE HONOURABLE SMT JUSTICE P. MADHAVI DEVI

WRIT PETITION No.32367 OF 2022

ORDER:

This writ petition is filed seeking a Writ of Mandamus declaring the action of the respondents in not granting notional promotion and seniority in the post of Panchayat Secretary Grade II with effect from 20.01.2021/10.02.2021 on par with his juniors in spite of original punishment order dated 16.07.2019 passed by the District Collector being modified by the appellate authority in proceedings No.CPR&RE-B3/ESTT/APPL/3/2021-B-Section dated 24.08.2021 as illegal and arbitrary.

2. The brief facts leading to the filing of the present writ petition are that the petitioner is working as Panchayat Secretary Grade-III. It is submitted that the petitioner was imposed a punishment of stoppage of one annual grade increment with cumulative effect *vide* orders dated 16.07.2019, against which the petitioner has filed an appeal and the appellate authority has modified the said order to that of stoppage of one annual grade increment without cumulative effect *vide* orders dated 24.08.2021.

3. Learned counsel for the petitioner submits that since the modified order goes back to the date of original order i.e.,

16.07.2019 and since the punishment imposed against the petitioner is a minor punishment, the period for non-consideration of the case of the petitioner for promotion would be limited to one year as against two years period in case of major punishment. It is also submitted that since the petitioner is duly promoted on 10.02.2021, he made a representation on 04.10.2021 seeking consideration of his case for promotion on par with his juniors. Learned counsel further submits that the representation of the petitioner has not been considered by the 2nd respondent till date.

4. Learned Government Pleader for Services-II is also heard.

5. Having regard to the fact that the petitioner has already made a representation on 04.10.2021 and the same is yet to be disposed of by the 2nd respondent, this Court deems it appropriate to direct the 2nd respondent to consider and dispose of the representation of the petitioner within a period of six weeks from the date of receipt of a copy of this order.

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

Pending miscellaneous applications, if any, shall stand closed.

JUSTICE P. MADHAVI DEVI

Date: 16.08.2022

Note: Furnish CC in one week

B/o

v v