

THE HON'BLE THE CHIEF JUSTICE SATISH CHANDRA SHARMA

AND

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT APPEAL No.1953 of 2017

JUDGMENT: *(Per the Hon'ble the Chief Justice Satish Chandra Sharma)*

The present writ appeal is arising out of an order dated 25.04.2016 passed by the learned Single Judge in W.P.No.19519 of 2014.

The writ petition was preferred by the respondent/writ petitioner (hereinafter referred to as, the employee) alleging that even after expiry of the punishment of stoppage of increments, the appellants/respondents in the writ petition are not restoring his increments and in those circumstances, the learned Single Judge has directed restoration of increments. It was stated before the learned Single Judge that the punishment orders were passed on 28.06.2007, 20.07.2007, 24.04.2010 and 18.10.2010 and the other orders inflicting punishment of stoppage of increments were not brought to the notice of the learned Single Judge.

Now a detailed affidavit has been filed furnishing all the minute details of the various punishment orders passed from time to time inflicting punishment on the employee. The order passed by the learned Single Judge is certainly silent in respect of various punishment orders against the employee.

Therefore, in the light of the affidavit filed by the employer dated 17.02.2020, the order passed by the learned Single Judge is hereby set aside and the matter is remanded back to the learned Single Judge to decide the writ petition afresh, after taking into account all the punishment orders passed by the employer.

Office is directed to list W.P.No.19519 of 2014 before the learned Single Judge having roster on 29.03.2022 on which date the parties shall appear before the learned Single Judge. The learned Single Judge is requested to decide the matter at an early date.

The writ appeal is accordingly allowed.

The miscellaneous applications pending, if any, shall stand closed. There shall be no order as to costs.

SATISH CHANDRA SHARMA, CJ

ABHINAND KUMAR SHAVILI, J

24.03.2022
vs