

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

AND

HON'BLE SRI JUSTICE PULLA KARTHIK

W.A.No.858 OF 2022

JUDGMENT: *(Per Hon'ble Sri Justice Abhinand Kumar Shavili)*

Aggrieved by the order dated 15.06.2002 passed in W.P.No.13116 of 2004 by the learned Single Judge, the present writ appeal has been filed.

Heard Sri G.Vidya Sagar, learned senior counsel appearing for the appellants and Sri Janardhan Rao/party-in-person-respondent.

It is the case of the appellants that while working as Additional Assistant Engineer with the appellants, the respondent had certain irregularities viz., given power supply beyond specified time. The disciplinary authority has construed the same as misconduct and issued a show cause notice on 13.12.2000 and after giving an opportunity to the respondent to submit his explanation, has imposed the punishment of stoppage of one increment with cumulative

effect *vide* order dated 31.01.2001. Aggrieved by the same, the respondent has preferred an appeal and revision and the same were dismissed. Later, challenging the order of punishment, the respondent has approached this Court by filing W.P.No.13116 of 2004 and without appreciating any of the contentions raised by the appellants, learned Single Judge allowed the said writ petition *vide* order dated 15.06.2002. Hence, the present writ appeal is filed.

Learned senior counsel appearing for the appellants had contended that since the punishment imposed on the respondent is a minor penalty, the appellants were not obligated to conduct any regular enquiry, but this fact was not considered by the learned Single Judge and the learned Single Judge has set aside the punishment imposed by the disciplinary authority on the ground that no regular enquiry was conducted.

Learned senior counsel had further contended that the respondent has approached this Court belatedly, that too, after retirement and this fact was not appreciated by the learned Single Judge and the learned Single Judge has allowed the writ petition mechanically. Therefore, appropriate orders be passed in the writ petition by setting aside the order passed by the learned Single Judge.

The respondent/party-in-person had contended that in view of the law laid down by the Apex Court in *Kulwant Singh Gill vs State of Punjab*¹, the appellants were supposed to conduct enquiry as the imposition of stoppage of increment with cumulative effect is a major penalty. The learned Single Judge was justified in allowing the WP in favour of the respondent and hence, it needs no interference by this Court.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the view that the learned Single Judge was justified in allowing the W.P in

¹ 1991 Supp(1) SCC 504

favour of the respondent. Admittedly no enquiry was conducted by the appellants before imposing the punishment of stoppage of one increment with cumulative effect and this issue was also considered by the Apex Court in *Kulwant Singh Gill* (referred to supra). Therefore, this Court is not inclined to interfere with the order passed by the learned Single Judge.

Accordingly, the Writ Appeal is dismissed. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

JUSTICE PULLA KARTHIK

Date: 09-01-2023
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