

THE HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION No.66 OF 2023

ORDER:-

The present Writ Petition is filed under Article 226 of the Constitution of India, seeking the following relief:

“to issue a Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus declaring the action of the 2nd respondent in not disposing of the representations dated: 09.11.2021 and 20.03.2019 of the petitioner against the modified punishment of reduced by TWO incremental stages for a period of TWO years having effect on his future increments. The period of absence from the date of removal to till the date of reporting for duty is treated as NOT ON DUTY for the purpose of leave and increments vide proceedings in A.P.S.R.T.C.No. PA/675(82)/2014-ED;VZM dated: 20.03.2015 issued by the 3rd respondent and consequential proceedings as illegal, arbitrary, violative principles of natural justice and consequentially direct the 2nd respondent to consider and dispose of the representations 09.11.2021 and 20.03.2019 of the petitioner by fixing outer time limit and to pass such other order or orders..”

2. Heard learned counsel for the petitioner and learned Standing counsel for the respondents.

3. Learned counsel for the petitioner submits that the petitioner is working as conductor in Visakhapatnam Steel City Depot of Visakhapatnam Region, Vizianagaram Zone. Petitioner joined into the Corporation services in the year 1990 and rendered decades of service with utmost loyalty,

honesty and commitment while discharging his duties. After rendering unblemished services for about 22 years, the petitioner was alleged to have been involved in the cash and ticket irregularities case and the petitioner was removed from services after found that he was committed cash and ticket irregularities. Thereafter, the petitioner preferred an appeal before the appellate authority which was also dismissed, on the ground that the appeal is barred by limitation. Thereafter, the petitioner filed revision before the 5th respondent and the said revision was also rejected. Then the petitioner preferred mercy petition before the 2nd respondent on 20.03.2015. Wherein the 2nd respondent modified the original order as under:

“I therefore hereby order to reinstate Sri G.A.Rao, E.457987 into service as Conductor and posted to Visakhapatnam Region. As a measure of punishment, his Basic Pay is reduced by TWO incremental stages for a period of TWO years having effect on his future increments. The period of absence from the date of removal to till the date of reporting for duty is treated as NOT ON DUTY for the purpose of leave and increments.”

4. Then the petitioner submitted a representation to the 2nd respondent on 09.11.2021 seeking further consideration in view of the orders passed in the mercy petition. Even after the receipt of the representation, the respondent authorities are neither acted upon and nor replied so far.

5. On the other hand learned standing counsel for the respondents would submit that the impugned order passed upon the mercy petition filed by the petitioner and modified the original impugned order. Accordingly the petitioner was reinstated now and now he cannot reagitate his claim for

further modification of the order, since the impugned order was passed upon the mercy petition of the petitioner.

6. Having regard to the submissions made by both the parties, this Court is of the opinion to dispose of the present writ petition by directing the 2nd respondent to consider representation dated on 09.11.2021. If the same was not received by the 2nd respondent, the petitioner is directed to submit a fresh representation within a period of two weeks from today and after receipt of the same the 2nd respondent shall consider and pass appropriate orders within a period of four (4) weeks thereafter.

7. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

As a sequel thereto, interlocutory applications pending, if any in the writ petition, shall also stand closed.

JUSTICE VENKATESWARLU NIMMAGADDA

3rd January, 2023

KNR

Note: Issue C.C. by 05.01.2023.

B/o.

KNR

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