

APHC010213002015



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3333]

SATURDAY, THE NINETEENTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SMT JUSTICE V.SUJATHA

WRIT PETITION NO: 42179/2015

Between:

M.veeranna,

...PETITIONER

AND

The State Of Andhra Pradesh and Others

...RESPONDENT(S)

Counsel for the Petitioner:

1.C H SATISH KUMAR

Counsel for the Respondent(S):

1.GP FOR SOCIAL WELFARE (AP)

2.CHINTA CHINA SATYANARAYANA (SC FOR APSCCFC)

3.BABUJI TENNETI (STANDING COUNSEL FOR APSC CFC)

4.B PRAKASAM (SC FOR AP APSCCFC)

The Court made the following:

ORDER:-

This Writ Petition is filed by the petitioner, under Article 226 of the Constitution of India seeking *Mandamus*, for the following relief:

“...to issue an appropriate Writ order or direction more particularly one in the nature of Writ of Mandamus, declaring the Proceedings of the 3rd respondent in Rc.No.2162/96-E dated 29.5.1999 in imposing the punishment of stoppage of one annual grade increment with cumulative effect and also for recovery of Rs.15,000/- from the petitioner, which was confirmed in the revision petition passed by the 1st respondent vide Lr.No.2084/SCP11/2011 dated 16.08.2013 as illegal arbitrary and against the principles of natural justice and violation of Articles 14 and 21 of the Constitution of India and consequently set aside the same...”

2. Heard Sri Ch.Satish Kumar, learned counsel for the petitioner and learned Government Pleader for the respondents.

3. The petitioner was initially appointed as Attender on daily wage basis on 06.11.1985 by the 3rd respondent and thereafter his services were regularized on 01.11.1988. While the matter stood thus, the 3rd respondent issued a charge memo dated ...09-1997 framing two charges against the petitioner alleging that the petitioner has cheated the Society by misutilising the loan sanctioned for House Building by the Society for an amount of Rs.15,000/- on 20.12.1995. Though the loanee has not produced the genuine documents and

also that the loanee has misutilised the loan amount, while illegally encouraged malpractices for making cash payments and misutilised the provisions of law. For which, the petitioner has submitted his explanation on 02.09.1997. After duly considering the explanation submitted by the petitioner, the 3rd respondent issued impugned proceedings dated 29.05.1999 duly holding that the charges framed against the petitioner are proved, has imposed the punishment of stoppage of one increment with cumulative effect and also directed the petitioner to pay back the loan amount immediately to a tune of Rs.15,000/-. Challenging which, the present writ petition is filed.

4. The case of the petitioner is that immediately after passing of the said impugned proceedings the petitioner has paid an amount of Rs.15,000/- to the 3rd respondent and pending the writ petition he also retired from service in the year 2019.

5. Now, the only point for consideration is with regard to the punishment of stoppage of the increment with cumulative effect.

6. In view of the above facts and circumstances, it is relevant to refer to a judgment of this Hon'ble Court in W.P.No.3545 of 2007, dated 01.11.2018, wherein, under similar circumstances, the Court has held as follows:

"The writ petition is disposed of modifying the punishment imposed by the revisional authority to that of reduction of pay by one incremental stage for one year without cumulative effect, it is made clear that the above modified punishment is without any monetary benefits."

7. The order passed by the learned Single Judge in W.P.No.3545 of 2007, dated 01.11.2018, was further confirmed in W.A.No.440 of 2019 vide order dated 17.10.2022.

8. Taking into consideration the above said order, this Court feels it appropriate to dispose of this writ petition under similar lines by modifying the punishment imposed by the respondents to that of stoppage of one increment without cumulative effect.

9. Accordingly, the Writ Petition is disposed of. No order as to costs.

Miscellaneous petitions pending, if any, in this Writ Petition shall stand closed.

JUSTICE V.SUJATHA

Dt.19.10.2024

JLV