

**IN THE HIGH COURT OF KARNATAKA AT BANGALORE**

**DATED THIS THE 2<sup>nd</sup> DAY OF SEPTEMBER 2005**

**BEFORE**

**THE HON'BLE MR.JUSTICE B.S.PATIL**

**WRIT PETITION No. 20655 OF 2005 (S-DE)**

**BETWEEN:**

Ashwath Narayana,  
S/o.G.L.Raja Rao,  
Aged about 50 years,  
Working as Joint Manager,  
A/c., Karnataka State Agro  
Corn Products Ltd., represented by its  
Managing Director,  
Bellary Road, Hebbal,  
Bangalore- 560 024.

... **PETITIONER**

(By Sri.Ashok K.L., Adv. for M/s.Vagdevi Assts., Advs.)

**AND:**

1. Karnataka State Agro Corn Products Ltd.,  
Represented by its Managing Director,  
Bellary Road, Hebbal,  
Bangalore - 560 024.

2. Board of Directors,  
Karnataka State Agro Corn Products Ltd.,  
Represented by its Chairman,  
Bellary Road, Hebbal,  
Bangalore - 560 024.

... **RESPONDENTS**

This Writ Petition is filed under Articles 226 & 227 of the  
Constitution of India praying to quash the order dated

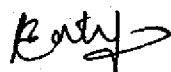
16.05.2005 vide Annexure-E as the same is illegal, arbitrary and unsustainable.

This Petition coming on for preliminary hearing this day, the Court made the following:-

**ORDER**

This writ petition is directed against the order of penalty imposed against the petitioner upon holding the disciplinary enquiry. The Disciplinary Authority has ordered to withhold one increment with cumulative effect vide order dated 16.05.2005, copy of which is produced at Annexure-E. Petitioner has challenged the validity of the same.

2. It is seen that the petitioner has filed an appeal under the provisions of the service regulations governing the 1<sup>st</sup> respondent-Corporation. The Appellate Authority is seized of the matter. The grievance of the petitioner is that the Appellate Authority has not passed any orders. As there is a threat of recovery from the salary of the petitioner, the petitioner has approached this court even



before the appeal is disposed of on merits. As the petitioner has availed alternative remedy available to him, the present writ petition cannot be entertained. Petitioner cannot prosecute a parallel remedy. However, the Appellate Authority is required to examine the matter expeditiously and pass appropriate orders disposing of the appeal. If the petitioner has filed an inter-locutory application seeking stay of the penalty imposed against him in the appeal preferred, as contended by the learned counsel, then it is for the petitioner to press for the same and seek appropriate interim orders from the Appellate Authority.

With these observations, the writ petition stands rejected at the stage of preliminary hearing itself.

Sd/-  
Judge

PKS