

**HON'BLE SRI JUSTICE DILIP B. BHOSALE
AND
HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO**

WRIT APPEAL No. 909 OF 2007

JUDGMENT: (per the Hon'ble Sri Justice A. Ramalingeswara Rao)

This writ appeal is directed against the order dated 01-05-2007 passed by the learned single Judge in Writ Petition No. 9855 of 2007 modifying the punishment of stoppage of annual increment for a period of four months with cumulative effect to that of stoppage of annual increment without cumulative effect.

The respondent herein who was working as a Conductor was issued a charge sheet on 22-04-1996, alleging that he irregularly operated service vehicle No.786 on route No.60C on 26-01-1996. The respondent submitted his explanation, but the 2nd appellant without conducting any regular enquiry passed the order of punishment of withholding annual increment for a period of four months with cumulative effect. The respondent preferred an appeal before the appellate authority and the same was rejected. Therefore, he filed the writ petition. The learned single Judge considering the rival contentions and by holding that stoppage of annual increment with cumulative effect is a major penalty, modified the punishment to that of stoppage of annual increment without cumulative effect, as the punishment was imposed without conducting any departmental enquiry.

It is admitted that that no departmental enquiry was conducted before imposing the punishment of stoppage of annual increment for a period of four months with cumulative effect. In the facts and circumstances of the case, we find that the order passed by the learned single Judge is proper and valid.

The writ appeal deserves to be dismissed and it is accordingly dismissed.

Miscellaneous petitions, if any, also stand disposed of. No

order as to costs.

DILIP B. BHOSALE, J

A. RAMALINGESWARA RAO, J

20-04-2015
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