THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION NO.2254 of 2009

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Between:

Sri Noor Mohammed

PETITIONER

AND

1. The Depot Manager, APSRTC, Falaknuma Depot, Hyderabad District, and another.

RESPONDENTS

ORDER:

Heard learned counsel fro the petitioner and Sri N. Vasudeva Reddy, learned Standing Counsel for the respondents.

In this writ petition the petitioner challenges the proceedings dated 02.06.2005 issued by the 1st respondent deferring his annual increments for a period of two years with cumulative effect and transferring him to another depot, which has been confirmed in revision by the 2nd respondent vide proceedings dated 25.04.2008.

The case of the petitioner is that he was appointed as conductor in the respondent-corporation in the year 1994. When the petitioner was working in the 1st respondent depot proceedings were issued to him framing the following charge.

> "For having un-authorizedly cancelled one round trip between Charminar and Sanathnagar (33 kms) of your service FM:102/2 which you are booked on 27.01.2004, resulting in loss of revenue to the corporation besides causing inconvenience to the traveling public, which constitutes misconduct in the terms of Regulation 28(ix)(3) of A.P.S.R.T.C. Employees (conduct) Regulations 1963."

The specific ground urged by the petitioner is that though the 1st respondent issued charge sheet dated 16.02.2004, which was served on him on 5.03.2004, no enquiry has been conducted. The petitioner had submitted his explanation to the allegations made in the charge. However, without considering his explanation and without conducting any enquiry, the impugned proceedings have been issued withholding two annual increments for a period of two years with cumulative effect.

In the counter affidavit filed by the respondents, the specific allegation made by the petitioner, that though a charge sheet has been issued to him no enquiry as required under the Regulations has been conducted, has not been denied.

It is well settled that without there being any enquiry, the major punishment of withholding of two annual increments for a period of two years with cumulative effect, cannot be passed.

In that view of the matter, the impugned order is set aside giving liberty to the respondents to take appropriate action by following due procedure prescribed under the Regulations.

Accordingly, the writ petition is allowed. As a sequel, miscellaneous petitions, if any, stands closed. No order as to costs.

CHALLA KODANDA RAM, J.

28th December, 2015
Js.