

HONOURABLE SRI JUSTICE S.RAVI KUMAR

WRIT PETITION No.27054 OF 2003

Dated 7-11-2015

Between:

V.V.Raju.

..Petitioner.

And:

The A.P.S.R.T.C. represented by its Regional Manager, West Godavari Region, West Godavari District at Eluru and others.

..Respondents.

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ORDER:

This writ petition is filed challenging the punishment of deferment of two annual increments for a period of 2 years with cumulative effect vide proceedings No.01/95(152)/2001-Tanuku, dated 14-5-2002 which was confirmed by the appellant authority and reviewing authority.

Petitioner was appointed as conductor in the respondent-corporation and joined service on 4-1-1989. He was served with charge memo that he reissued tickets worth of Rs.3/- and on that a departmental enquiry was conducted and he was found guilty by the Enquiry Officer and thereafter, he was punished by reduction of basic pay by two incremental stages for a period of two years future increments and the appeal preferred by him was dismissed. He also preferred review and reviewing authority modified the orders of Depot Manager, Tanuku to that of deferment of his annual increments for a period of

two years which shall have effect of postponing his future increments.

Aggrieved by the same, present writ petition is filed.

Advocate for petitioner submitted that the imposed punishment is disproportionate to the gravity of charge and that the petitioner explained to the Enquiry Officer but his explanation was not considered. He further submitted that there is no allegation of any misappropriation but he was given harsh punishment like withholding two increments with cumulative effect.

On the other hand, learned counsel for the corporation submitted that the petitioner was already given benefit by the revisional authority by converting the reduction of basic pay into that of deferment of annual increments with cumulative effect. He submitted that there is no disproportionate punishment to the gravity of the charge and that there are no grounds to interfere with the order passed by the reviewing authority.

I have perused the material papers.

As seen from the record, the petitioner served as a conductor for a period of 12 years prior to this incident without any remark and he put up unblemished record but on the unfortunate day, he was mistakenly reissued ticket and that it was not intentional.

From submission of both sides, petitioner is still in service and subsequent to this incident, there was no allegation of any kind against the petitioner. Advocate for petitioner submitted that a lenient view may be taken by converting the punishment of two increments with cumulative effect to that of withholding two annual increments without cumulative effect. I consider the request made by advocate for petitioner is quite reasonable in view of the fact that the petitioner has not indulged in any such misconduct subsequent to this incident and is still serving the corporation without any complaint.

For these reasons, the punishment of deferment of two annual increments for a period of two years with cumulative effect is modified to that of deferment of two annual increments without cumulative effect and financial benefit shall be given to the petitioner from the date of this order, by adding these two increments. Petitioner is not entitled for any backward monetary benefit.

This writ petition is disposed of accordingly. No costs.

As a sequel to the disposal of this writ petition, the Miscellaneous Petitions, if any, pending, shall stand dismissed.

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JUSTICE S.RAVI KUMAR

Dated 7-11-2015.

Dvs.

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Dvs