

HON'BLE SRI JUSTICE R. KANTHA RAO

Writ Petition No.29041 of 2015

ORDER:

Heard Sri V. Narasimha Goud, learned counsel appearing for the petitioner and Sri N. Vasudeva Reddy, learned standing counsel for the respondent-Corporation.

2. The petitioner was appointed as driver on 02.06.2005 in the respondent-Corporation and his services were regularised with effect from 01.01.2010. While so, the 3rd respondent issued a charge sheet dated 16.06.2011 to the petitioner on the allegation of causing of fatal accident on account of rash and negligent driving, for which the petitioner submitted his explanation on 02.07.2011. After receipt of his explanation, the 3rd respondent issued proceedings dated 26.08.2011 imposing punishment of deferment of annual increments for a period of two years with cumulative effect. The said order was also confirmed in the appeal as well as in the revision.

3. Learned counsel appearing for the petitioner submits that the punishment imposed on the petitioner, being a major punishment, the respondent-Corporation could not have imposed the same without conducting regular departmental enquiry and therefore, the punishment is liable to be set aside. On the other hand, learned standing counsel for the Corporation would submit that the punishment was imposed in the year 2011 and no relief can be granted to the petitioner at this length of time.

4. Having gone through the submissions made on either side, this court is of the view that the punishment of deferment of annual increments for a period of two years with cumulative effect is a major penalty and the respondents ought not to have imposed the said

punishment without conducting disciplinary enquiry. As the imposition of such major punishment is not in accordance with law, the same is modified to that of deferment of annual increments without cumulative effect for a period of two years. However, the petitioner is not entitled to draw any arrears pursuant to the modification of the punishment in the present writ petition, but he is entitled to draw the arrears from the date of filing of this writ petition.

5. The writ petition is accordingly disposed of. Miscellaneous petitions, if any, in this writ petition, shall stand closed. No order as to costs.

R. KANTHA RAO, J

Date: 09.09.2015
BSS

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