

HON'BLE SRI JUSTICE M.S.K. JAISWAL

WRIT PETITION NO. 6491 OF 2005

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ORDER:

This Writ Petition has been filed praying for issuance of Writ of Mandamus declaring the Appellate Letter No. 001/3/0-29/1158 dated 28.2.2004 of the first respondent read with Letter No. 001-3-0-29-838 dated 25.11.2003 of the second respondent, imposing the punishment of reduction of basic pay from Rs. 11,860/- to 10,160/-, as illegal, arbitrary, unconstitutional and consequently by nullifying the same and direct the respondents to restore the basic pay of the petitioner to 11.860/- with all consequential and attendant benefits.

The brief facts of the case are that the petitioner joined the respondent—Godavari Grameena Bank as Scale-I Officer in the year 1991. Alleging that the petitioner has sanctioned crop loans on the lands which were in possession of lessees without obtaining proper sanction from the Head Office and for other irregularities, a Charge Sheet was issued framing as many as Eight (8) charges against the petitioner. The Enquiry Officer by his report dated 24.10.2003 held proved charge Nos. 2,4, & 6 against the petitioner and remaining charges held not proved. However, brushing aside the factual aspects, various submissions and in utter disregard to the findings of the Enquiry Officer, the disciplinary authority without applying its judicious mind to the totality of the circumstances of the case by its proceedings dated 25.11.2003 imposed a penalty of major misconduct by reducing the basic pay of the petitioner from Rs. 11,860/- to Rs. 10,160/-. Aggrieved by the same, the petitioner preferred an appeal dated 10.1.2004 before the first respondent herein. The first respondent after taking into consideration the report of the Enquiry Officer and also the explanation offered by the petitioner-Employee, vide its proceedings dated 28.2.2004 confirmed the punishment imposed by the disciplinary authority and it was informed by the Chairman, Godavari Grameena Bank, to the petitioner that his representation has been considered by the Board and the appeal of the petitioner-employee was dismissed by confirming the orders of the disciplinary

authority in reducing the basic pay of the petitioner from Rs. 11,860/- to 10,160/-. Aggrieved by the same, the present Writ Petition is preferred.

Learned counsel appearing for the petitioner submits that even if the major misconduct is proved, the Disciplinary Authority is not competent to impose the punishment of reduction of basic pay of the petitioner permanently from Rs. 11,860/- to Rs. 10,160/-. As per the provisions of the Godavari Grameena Bank (Officers and Employees) Service Regulations, 2000, in the event of major misconduct, in case of the petitioner, the penalty should be reduction of pay to next lower stage upto a maximum period of two years in case the staff has reached the maximum in the scale of pay. The learned counsel also submits that the penalty (iv) mentioned in the penalties for major misconduct has been imposed against the petitioner, but instead of restricting the period to two years, the same has been made as permanent feature and this resulted in grave injustice to the petitioner since he has lost his monetary benefits throughout his service.

In Godavari Grameena Bank (Officers and Employees) Service Regulations, 2000, penalties for major misconduct are provided as under:

“(b) **Penalties for major misconduct:** (i) fine (ii) withholding of increment(s) (iii) withdrawal of special allowance (iv) reduction of pay to next lower stage upto a maximum period of 2 years in case the staff has reached the maximum in the scale of pay (v) removal from service which shall not be a disqualification for future employment (vi) dismissal.”

On perusal of the above, it shows that only incase of an employee, who has reached maximum scale of pay, there is a provision for reduction of lower stage of scale up to a maximum period of two years. It is not known whether the petitioner is one of such employees who has reached the maximum scale of pay. Therefore, the order impugned cannot be said in any way to travene the Service Regulations of the Godavari Grameena Bank. The Disciplinary Authority as well as the Appellate Authority have considered the material on record and taking into consideration the gravity of the Charge that the petitioner has sanctioned the crop loans in favour of the persons who were lessees of the land, have imposed a penalty of major misconduct by reducing the basic pay of the petitioner from 11,860/- to Rs. 10,160/- permanently. The punishment of

reduction of basic pay of the petitioner, by no stretch of imagination, can be said to be excessive and disproportionate to the gravity of charges that were proved against the petitioner.

In the result, the Writ Petition is dismissed. There shall be no order as to costs.

As a sequel thereto, miscellaneous petitions, pending if any, shall stand closed.

M.S.K. JAISWAL, J

Date: 06.11.2015

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