

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION No. 3582 OF 2015

ORDER:

Heard Sri V. Narasimha Goud, learned counsel for the petitioner as well as learned Standing Counsel for the Corporation Sri Vasudeva Reddy and with their consent, the Writ Petition is taken up for disposal itself.

The petitioner, who was working as a Conductor with the Andhra Pradesh State Road Transport Corporation (APSRTC), is proceeded against as a measure of discipline for the alleged ticket and cash irregularities said to have been committed by him. The Depot Manager, Hyderabad-II Depot framed an appropriate charge in that regard on 02.10.2012 against the petitioner and called for his explanation. It appears, the petitioner has submitted his explanation denying the charges, on 04.10.2012 and a preliminarily enquiry was conducted sometime thereafter and the preliminary enquiry report was made available to the Depot Manager on 09.10.2012 and the explanation of the petitioner for the preliminary enquiry was also sought for and obtained on 10.10.2012. Thereafterwards, the petitioner was, in fact, reinstated to duty and a separate charge-sheet has been drawn against him on 10.10.2012. It appears, the petitioner has filed a detailed explanation thereto on the same day, but however, on 12.12.2012, the Depot Manager has passed the orders holding that the explanation offered by the petitioner was not satisfactory and therefore, imposed the punishment of deferment of one annual increment for a period of two years which shall have its effect on future increments. It appears, the petitioner has preferred an Appeal there against to the Chief Traffic Manager, Ranga Reddy Region and it was clearly brought out therein that no enquiry whatsoever has been conducted into the charge-sheet framed against the petitioner and straight away the Depot Manager has proceeded to impose the punishment of deferment of one annual grade increment which will

have the cumulative effect on him. According to the learned counsel for the petitioner, imposing the punishment of deferment of one increment with cumulative effect is a major punishment in comparison to withholding of an increment without cumulative effect, which is a minor punishment. For imposing a major punishment, the procedure prescribed under the APSRTC Employees' (Classification, Control and Appeal) Regulations, 1967 has got to be necessarily followed. The same has not been followed. Therefore, it is contended that the Corporation, acting through its Depot Manager, has passed an order without following the due procedure and hence, the order of imposition of punishment is an illegal one.

Per contra, the learned Standing Counsel would urge that since no enquiry was conducted, the matter may be remitted back to the disciplinary authority, namely the Depot Manager, so that a detailed enquiry into the matter would be conducted.

However, I have noticed that more than two years' period has already elapsed and the annual grade increment of the petitioner has already been withheld. Therefore, ends of justice would be served more than adequately by modifying the punishment order dated 12.12.2012 by deleting the words "which will have effect on future increments", so that any further possibility of litigation can be curtailed.

Therefore, the order of punishment, dated 12.12.2012, is modified duly deleting the cumulative effect of the punishment and rendering it "punishment of deferment of annual grade increment" being a minor punishment for which there is no specific procedure prescribed, except calling for the explanation and considering the same. It follows that excepting the annual grade increment, which has been withheld, other annual grade increments, which have become due by now, shall stand released.

In that view of the matter, this Writ Petition stands disposed of in the above terms. No costs.

Consequently, the miscellaneous applications, if any shall also

stand disposed of.

NOOTY RAMAMOHANA RAO, J

06th March 2015

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