

HON'BLE SRI JUSTICE R.KANTHA RAO

Writ Petition No.15149 of 2015

Date: 02-6-2015

Between

Md.Zameer

... Petitioner

and

APSRTC,

Rep. by its MD,

Bus Bhavan, Musheerabad,

Hyderabad;

and 3 others

... Respondents

HON'BLE SRI JUSTICE R.KANTHA RAO

Writ Petition No.15149 of 2015

Order:

Heard Sri V.Narasimha Goud, learned counsel appearing for the

petitioner and Sri N.Vasudeva Reddy, learned Standing Counsel for the respondents-Andhra Pradesh State Road Transport Corporation (the Corporation, for short).

2. The petitioner, who is working as a driver in the respondents-Corporation, was on one-man service bus on 03-5-2010 plying from Mukurlabad to Mumbai. While the bus was on transit, a check was exercised at Mukurlabad on 03-5-2010 and certain irregularities have been allegedly noticed basing on which, 3 charges were framed against the petitioner. The petitioner submitted his explanation dated 05-6-2010 to the said charges. Thereafter, a show cause notice dated 09-6-2010 was issued to the petitioner proposing the punishment of deferment of one annual increment with cumulative effect and later, the punishment proposed was imposed on the petitioner. The said order imposing the punishment of deferment of one annual increment with cumulative effect has been challenged by the petitioner in the present writ petition on the ground that a major penalty was imposed against him without conducting any enquiry. Obviously, the punishment inflicted on the petitioner is a major punishment and an enquiry is required to be conducted for imposing the said punishment.

3. The learned counsel appearing for the petitioner would submit that since the punishment imposed is illegal for not conducting any enquiry, the same may be modified to that of one annual increment without cumulative effect.

4. On the other hand, the learned Standing Counsel for the respondents-Corporation would submit that a fresh enquiry affording an opportunity to the petitioner to participate in the enquiry can be ordered instead of modifying the punishment.

5. The punishment was obviously imposed by the Disciplinary Authority without following the procedure contemplated for imposing the punishment. For the mistake committed by the Disciplinary Authority, the petitioner is not supposed to face the enquiry after lapse of long time. This Court, therefore, is of the view that the punishment imposed on the petitioner can be modified to a minor one for which no enquiry was contemplated.

6. Consequently, the writ petition is disposed of modifying the punishment imposed on the petitioner to that of stoppage of one annual increment without cumulative effect. The miscellaneous petitions, if any, pending in this writ petition shall stand closed. No costs.

R.KANTHA RAO, J.

02nd June, 2015.

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