

HON'BLE MR JUSTICE R. KANTHA RAO

Writ Petition No.16273 OF 2015

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DATE:15.06.2015

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BETWEEN:

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Ch.Ramesh .. Petitioner

And

The TSRTC rep. by its VC &MD, Hyderabad and three others

.. Respondents

HON'BLE SRI JUSTICE R. KANTHA RAO

Writ Petition NO.16273 OF 2015

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ORDER:

This writ petition is filed by the petitioner under Article 226 of the Constitution of India seeking a writ of mandamus declaring the action of the second respondent in imposing the punishment of deferment of annual increments for a period of one and half years with cumulative effect vide proceedings No.P2/1(07)2008-DSNR, dated 12.06.2012 as illegal, arbitrary and unjust and consequently to set aside the same by directing the respondents to add one and half years annual increments with cumulative effect and pay arrears to the petitioner.

2. Heard the learned counsel appearing for the petitioner and the learned standing counsel appearing for the respondents/Corporation.

3. It is submitted by the petitioner that he is working as driver in the respondents' corporation and on the ground that he was unauthorisedly absent for duties for a period of three days, a punishment of deferment of annual increments for a period of two years with cumulative effect was imposed on him by the disciplinary authority. Thereafter, the reviewing authority modified the punishment from two years to one and half years. Feeling aggrieved the petitioner preferred the present writ petition.

4. The contention of the petitioner is that the misconduct attributed to him is trivial in nature and the respondents ought not to have imposed the major penalty.

5. On the other hand, the learned Standing Counsel appearing for the respondents corporation would submit that after conducting due enquiry, the punishment was imposed on the petitioner and the same needs no interference in the present writ

petition.

6. This Court in exercise of powers under Article 226 of the Constitution of India can interfere with the quantum of punishment only when it is grossly disproportionate. In the present case, the petitioner was absent unauthorisedly only for three days. Having regard to the facts and circumstances of the case, since in the considered opinion of this Court the misconduct committed by the petitioner is trivial in nature, the major punishment of stoppage of increments for a period of one and half years with cumulative effect ought not to have been inflicted on the petitioner by the reviewing authority. This Court further considers that the punishment imposed by the reviewing authority is grossly disproportionate. Therefore, the same needs to be modified.

7. Therefore, the punishment of stoppage of two annual increments with cumulative effect imposed on the petitioner by the reviewing authority is modified to that of stoppage of increments for one and half year without cumulative effect and also without any attendant benefits and arrears.

8. The writ petition is disposed of accordingly at the stage of admission. There shall be no order as to costs. Miscellaneous petitions if any filed in this writ petition shall stand closed.

R.KANTHA RAO, J

Date:15.06.2015

ccm

THE HON'BLE SRI JUSTICE R.KANTHA RAO

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