

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND
HON'BLE SRI JUSTICE G.SHYAM PRASAD

WRIT PETITION No.15921 of 2016

Date:02.6.2016

Between:

The State of Telangana, reptd., by
Principal Secretary, Municipal Admn., &
Urban Development Department,
Hyderabad and two others.

.....Petitioners

And:

R.Venkata Swamy,
Deputy Executive Engineer (Retd),
Khammam and another.

....Respondents

Counsel for the petitioners: GP for Services (TS)

Counsel for the Respondents: None appeared

The Court made the following:

ORDER: *(per Hon'ble Sri Justice C.V.Nagarjuna Reddy)*

Order, dated 24.4.2015, in Original Application
No.1133 of 2012 on the file of the Andhra Pradesh
Administrative Tribunal, Hyderabad is questioned in this

Writ Petition by the respondents in the said O.A.

We have heard learned Government Pleader for Services (Telangana State) and perused the record.

Disciplinary proceedings were initiated against a Municipal Engineer, a Junior Assistant and respondent No.1, who was Deputy Executive Engineer (since retired). The enquiry officer has exonerated the Municipal Engineer and the Junior Assistant and found respondent No.1 alone guilty of the following charge:

“The excess illegal Tap/House Water Service Connection/PSPs noticed in Ward No.26 of Khammam Municipality as against the connections found earlier by Municipal staff for the period from 13.12.2002 to 29.4.2003 and held responsible.”

Based on the enquiry report, which, in turn, was based on the vigilance report, dated 12.6.2013, respondent No.1 was visited with the penalty of reduction in pay by three stages in the existing pay scale. The said order was questioned by respondent No.1 in O.A.No.1133 of 2012. Before the tribunal, respondent No.1 has pleaded that no formal enquiry was held by the enquiry officer; that without examining any witnesses from the department side, the disciplinary authority has straightaway accepted the vigilance report; and that the enquiry report is based on the vigilance report only. Alternatively, he has pleaded that the penalty imposed on him was totally disproportionate to the gravity of charge. The Tribunal while rejecting the main pleas of respondent No.1, however, accepted the alternative plea that the penalty imposed on him is disproportionate to the gravity of the charge and accordingly, restricted the reduction in pay by three stages in the existing pay scale to one year only.

At the hearing, learned Government Pleader for Services (Telangana State) has not disputed that the penalty of reduction in pay by three stages in the existing pay scale without limiting the period of time is not legal and proper. However, he has submitted that if the Tribunal has found such penalty as not sustainable, it should have remanded the matter to the petitioners for passing a fresh order.

In our opinion, the petitioners ought to have stipulated the period for which the pay is reduced by three stages. Failure to stipulate the time limit is fatal.

Considering the nature and gravity of the charge, as extracted above, held proved against respondent No.1, we are in full agreement with the view of the Tribunal and we feel that reduction in pay by three stages in the existing pay scale for a period of one year meets the ends of justice .

In the above view of the matter, we do not find any reason to interfere with the impugned order of the Tribunal.

`The Writ Petition is, accordingly, dismissed.

As a sequel to dismissal of the Writ Petition, WPMP.No.19626 of 2016 filed by the petitioners for interim relief is dismissed as infructuous.

*JUSTICE C.V.NAGARJUNA
REDDY*

JUSTICE G.SHYAM PRASAD

*02nd June 2016
DR*