

HONOURABLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No. 17303 of 2016

DATED 28th JUNE, 2016

BETWEEN

E.Manohar

....Petitioner

And

The Telangana State Road Transport Corporation,
Rep. by its Managing Director,
Hyderabad and ors.

..Respondents.

HONOURABLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No. 17303 of 2016.

ORDER:

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Heard learned Counsel for the petitioner and learned Standing Counsel appearing for the respondents.

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The petitioner was appointed as a Casual Driver in the year 1995 in the respondents-Corporation and his services were regularized on 01.08.1997. In connection with an irregularity that took place on 29.04.2011, a charge sheet was issued to him on 27.05.2011. The petitioner submitted his explanation. However,

without conducting any enquiry, the order of postponement of one annual increment was passed by the third respondent on 21.04.2015. Aggrieved by the same, the petitioner preferred an appeal to the Divisional Manager, Hyderabad Division, who by order dated 21.4.2015 confirmed the order dated 21.4.2015. Thereafter the petitioner preferred a review and the second respondent by order dated 27.02.2016 rejected the same. Challenging the aforesaid orders, the petitioner filed the present Writ Petition.

A counter affidavit is filed on behalf of the respondents stating that action was taken against the petitioner on arriving one hour thirty minutes before the schedule time on 29.4.2011. Based on the report of the Assistant Manager, Hayathnagar Depot, a charge sheet dated 27.5.2011 was issued to the petitioner. The petitioner acknowledged the same on 27.5.2011 and submitted his explanation on 03.06.2011. The third respondent while taking into consideration the explanation submitted by the petitioner passed an order on 01.07.2011 imposing the punishment of postponement of one annual increment.

Admittedly the impugned order was passed on 01.07.2011 imposing punishment of postponement of one annual increment with cumulative effect, without conducting any enquiry. An identical issue was considered by a Division Bench of this Court, to which I am a party, in Writ Appeal No.10 of 2007, dated 04.02.2015, relying on the judgment of the Division Bench of this Court in Manager, APSRTC, Ananthapur District

Vs. K.Adireddy {2006(4)ALD 501 (DB)} and it was held that postponement of increment with cumulative effect would be a major penalty and regular procedure stipulated under the Regulations has to be followed before imposing such punishment. Admittedly in the instant case, no procedure was followed before imposing punishment which is a major penalty. In view of the same, the impugned order dated 27.02.2016 passed by the second respondent confirming the order of the third respondent dated 1.7.2011 is set aside and the matter is remanded to the third respondent for conducting an enquiry in respect of the incident that took place on 29.4.2011 and pass appropriate orders thereon in accordance with law.

The Writ Petition is allowed to the extent indicated above.

Miscellaneous petitions pending consideration if any in the Writ Petition shall stand closed in consequence. No order as to costs.

JUSTICE A.RAMALINGESWARA RAO

DATED 28th JUNE, 2016.

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