

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.18314 OF 2001

ORDER :

This Writ Petition is filed seeking to issue a writ of mandamus declaring the impugned order No.P.RG.II/CF/M.I/989, dated 07.05.2000 as illegal, arbitrary and to set aside the same and consequently to direct the respondent to treat the petitioners as LHD operator and to grant all consequential benefits.

2. Heard Sri Nagesh Bheemapaka, learned counsel for the petitioner and J.Sreenavasa Rao, learned counsel for the respondents.

3. It is a case of the petitioner that he was initially appointed as General Mazdoor with the respondent on 22.08.1965 and later on he was promoted as Cable Boy in 1966. The petitioner was further promoted as Load Haul Operator in the year 1967. While the petitioner was discharging his duties, he was absent on account of ill-health for a period of three months and this absence of the petitioner was construed as a misconduct by the respondent and disciplinary proceedings were initiated against the petitioner imposed a punishment of reversion to a lower stage in a time scale i.e. General Mazdoor was imposed by impugned order dated 07.05.2000.

4. It has been contended by the learned counsel for the petitioner that as per the standing orders of the respondent company, Rule 26(f) reads as follows:

“26(f) : Reversion to a lower stage or a lower grade in a time scale”

5. Now, in the instance case, the petitioner was imposed a punishment of reversion by two stages from Load Haul Operator to that of General Mazdoor. The petitioner contends that reversion by two stages would be too harsh and it is contrary to the standing orders of the respondent's Company, and he requested to allow the Writ Petition by setting aside the impugned punishment.

6. Learned Standing Counsel contends that the punishment of reversion was imposed on the petitioner by the respondent after following the due process of law and after conducting detailed domestic enquiry and the respondents have rightly imposed punishment of the reversion.

7. After considering the rival submissions of both the parties, I am of the considered view that imposing punishment of reversion by two stages is too harsh and contrary to the standing orders in Rule 26(f). Ends of justice would be met if the order of punishment is confined to only one stage instead of two stages. It is also brought to the notice of this Court that the Petitioner has already retired from service.

8. In view of the same, the Writ Petition is disposed of, modifying the punishment of reversion by two stages imposed vide order No. P.RG.II/CF/MI/989 dated 07.05.2002 to that of reversion by one

stage i.e. reversion from Load Haul Operator to Cable Boy. No costs.

9. As a sequel, the miscellaneous applications, if any pending, shall stand closed

ABHINAND KUMAR SHAVILI, J

15th December, 2017
JR

