

THE HON' BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.19672 of 2000

ORDER:

This writ petition is filed seeking to issue a writ of Mandamus declaring the impugned punishment orders, dated 18.02.1999, as arbitrary and illegal, and consequently to restore the increments.

2. Heard Sri K. Vasudeva Reddy, learned counsel for the petitioner and Ms. J. Koteswari Devi, learned Standing Counsel for the respondents.

3. The petitioner, while working as Upper Division Clerk in the TRANSCO Limited, was elected as an Office Bearer of Trade Union, and while he was working at Kurnool Circle, the Superintending Engineer has transferred one G. Ramesh, Lower Division Clerk to Nandikotkur from Kurnool. The petitioner was exposing the cause of his fellow worker i.e. G. Ramesh and requested the Superintending Engineer not to effect transfer in respect of G. Ramesh. The Superintending Engineer had not accepted the representation of the petitioner and in those set of circumstances, it is alleged that the petitioner had threatened the Superintending Engineer, and this action of the petitioner was construed as misconduct and a regular departmental enquiry was conducted, consequent upon which the petitioner was dismissed from service.

4. Challenging the dismissal order, the petitioner had filed W.P. No.6040 of 1995 and the said writ petition was dismissed. Challenging the orders passed by the learned Single Judge, W.A.No.396 of 1997 was preferred and the said writ appeal was disposed of on 12.11.1996 with a direction to provide an opportunity to the petitioner and pass appropriate orders by setting aside the order of dismissal.

5. It is submitted by the learned counsel for the respondents that the respondents have conducted the enquiry afresh, in compliance with

the orders passed by the Division Bench of this Court and the Enquiry Officer has submitted a report and based upon the said report, Disciplinary Authority has passed the impugned punishment orders, dated 18.02.1999, wherein a stoppage of three increments with cumulative effect was imposed on the petitioner. The petitioner without preferring an appeal straightaway filed this writ petition. During the pendency of the writ petition, the petitioner had retired from service.

6. It is further contended by the learned counsel for the respondents that the Disciplinary Authority has rightly imposed a punishment of stoppage of three increments with cumulative effect, after conducting regular departmental enquiry, and that no interference is called for, from this Court in the disciplinary matters.

7. I have considered the rival submissions made by the parties. From the material papers it cannot be construed that there are violations of principles of natural justice. The disciplinary authority has also taken lenient view and imposed a punishment of stoppage of three increments without cumulative effect. In the absence of any attack on the grounds of denial of principles of natural justice and procedural irregularities and doctrine of proportionality, it becomes difficult for this Court to interfere in the matters of this nature. I do not see any grounds in the writ petition and hence, it is liable to be dismissed.

8. Hence, the Writ Petition is dismissed. No order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending shall stand dismissed.

ABHINAND KUMAR SHAVILI, J

December 06, 2017
KTL