

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI
WRIT PETITION NO.17792 OF 2001

ORDER:

This writ petition is filed seeking a Writ of Mandamus and a direction to the respondents to set aside proceedings dated 20.6.1992 and 16.7.2001 passed by the respondents and consequently to release all the benefits due to the petitioner such as back wages and other attendant benefits.

Heard Sri P.Govinda Rajulu, learned counsel for the petitioner and Sri P.Durga Prasad, learned Standing Counsel for APSRTC.

It is the case of the petitioner that he was initially appointed as a Driver under the control of the 3rd respondent and while he was discharging his duties as a Driver, the RTC bus met with an accident. A criminal case in CC.No.103 of 1992 was registered against him for driving the vehicle in a rash and negligent manner and the respondents have initiated disciplinary proceedings against him by issuing a charge memo on 5.12.1991. A regular departmental enquiry was conducted and the enquiry officer has held the charges as proved. The disciplinary authority had accepted the findings of the enquiry officer and imposed a punishment of removal from service vide proceedings dated 4.3.1992. Aggrieved by the said orders of removal, he had preferred an appeal. The Appellate Authority had partly allowed the appeal preferred by him and modified the punishment of removal to that of fixing of his pay in the minimum of time scale of Grade-II for a period of two years with cumulative effect. In pursuance to the orders passed by the Appellate Authority, he was reinstated into service. After his reinstatement into service, he was acquitted by the I.Additional Munsiff Magistrate, Narsaraopet, in CC.No.103/1992 vide judgment dated 5.2.1993.

Thereafter, he had preferred a revision petition before the revisional authority by duly enclosing a copy of the judgment in CC.No.103 of 1992 and requested the revisional authority to set aside the orders passed by the appellate authority and to exonerate him from all the punishments. The revisional authority had considered the entire issue and vide proceedings dated 16.7.2001, rejected his case stating that the appellate authority had already taken a lenient view and ordered his reinstatement.

Learned counsel for the petitioner contends that as the petitioner is acquitted in the criminal case, the respondents, ought to have exonerated him from the punishment.

Learned counsel for the respondents submits that the initial punishment of removal from service by the disciplinary authority and the modified orders of the Appellate Authority, were passed after the misconduct was proved in the departmental enquiry, hence, no interference is called for.

I have considered the submissions made by both the parties. The punishment imposed on the petitioner was in pursuance to the proven charge in the departmental enquiry and subsequent acquittal of the petitioner in the criminal case has no relevance. Hence, the revisional authority had rightly rejected the case of the petitioner. Therefore, no interference is warranted.

In view of the above, writ petition is devoid of merits and is dismissed, accordingly.

Pending miscellaneous petitions, if any, shall also stand dismissed.

No order as to costs.

ABHINAND KUMAR SHAVILI ,J

Date: 30.11.2017
KPM