

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 13802 of 2004

O R D E R:

This writ petition is filed seeking to issue a writ of *Certiorari* calling for records pertaining to and connected with I.D.No.316 of 2000 and quash the Award dated 20.06.2002 only to the extent of withholding of three increments and not granting back-wages.

Brief facts of the case are that petitioner was appointed as Conductor in the respondent Corporation on 05.06.1996. While driving the bus on 19.11.1999 on the route Hindupur to Midugolam, a check was exercised at stage No.5 and allegedly found certain cash and ticket irregularity. Based on the same, a charge Memo dated 19.11.1999 was issued to him for which, petitioner submitted his explanation. In the enquiry, the charges framed against the petitioner were proved and thereby by order dated 24.11.1999, Corporation authorities placed the petitioner under suspension. A show cause notice of removal dated 20.04.2000 was issued and

ultimately, by proceedings dated 11.05.2000 he was removed from service. Aggrieved by the same, petitioner preferred ID No.316 of 2000, wherein respondent No.2 allowed the same and set aside the order of removal and directed the Corporation to reinstate the petitioner afresh by reducing his pay by three annual increments with cumulative effect and to pay penalty of Rs.1000/-. Challenging the same, the petitioner filed the present writ petition only to the extent of withholding of three increments with cumulative effect and imposing penalty of Rs.1,000/-.

Heard learned counsel for petitioner and learned Standing Counsel for APSRTC.

At the time of arguments, learned counsel for petitioner submits that the punishment imposed on the petitioner is not proportionate to the alleged charges and prayed to modify the punishment of postponement of three annual increments with cumulative effect to that of without cumulative effect.

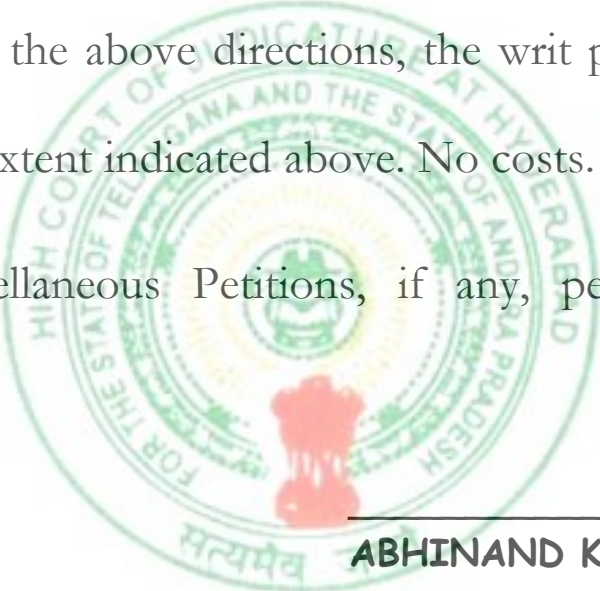
Learned Standing Counsel appearing for respondent-Corporation submits that the Corporation had already taken a

lenient view and imposed lesser punishment to the petitioner and hence, petitioner is not entitled for further lenient view.

Having considered the rival submissions of both the counsel, this Court is of the considered view that ends of justice would be met if punishment of postponement of three annual grade increments with cumulative effect is modified to that of without cumulative effect.

With the above directions, the writ petition is disposed of to the extent indicated above. No costs.

Miscellaneous Petitions, if any, pending shall stand dismissed.



ABHINAND KUMAR SHAVILI, J

04.12.2018
Mjl/*