

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.15523 of 2004

ORDER:

This writ petition is filed seeking to issue a writ of certiorari calling for the proceedings dated 02.06.2004 issued by the 2nd respondent and quash the same holding it as illegal and arbitrary.

Heard learned counsel for the petitioner and learned standing counsel for the respondent corporation.

It has been contended by the petitioner that he was suspended from duty vide orders dated 04.07.2003 by the 2nd respondent basing on the complaint said to have been lodged by the 4th respondent. Subsequently, a charge sheet was issued against him on the allegation that he has not attended Janmabhoomi programme under the influence of liquor, and an elaborate enquiry was conducted. Basing on the enquiry report, the 2nd respondent issued proceedings dated 02.06.2004 imposing on him punishment of reduction of pay by two incremental stages besides treating the period of suspension till he reported for duty, as not on duty for all purposes. The same is questioned in this writ petition.

It has been contended by the learned counsel for the petitioner that the punishment of reduction of pay of the petitioner by two incremental stages is too harsh. Learned counsel further contended that the 2nd respondent ought to have taken a lenient view and imposed the punishment of reduction of pay by two incremental stages without cumulative effect.

Learned standing counsel for the respondent corporation had contended that the charges framed against the petitioner are very serious in nature and the 2nd respondent had imposed the punishment for the proven misconduct in the enquiry. Therefore, the writ petition is liable to be dismissed.

This Court having considered the submissions made by both the parties is of the considered view that the 2nd respondent ought to have imposed the punishment of reduction of pay of the petitioner by two incremental stages without cumulative effect instead of with cumulative effect. Therefore, ends of justice would be met if the said punishment is modified to that of reduction of pay of the petitioner by two incremental stages without cumulative effect instead of with cumulative effect.

Accordingly, the Writ Petition is disposed of modifying the punishment imposed by the 2nd respondent to that of reduction of pay of the petitioner by two incremental stages without cumulative effect. It is made clear that the above modified punishment is without any monetary benefits. No order as to costs.

Consequently, miscellaneous petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

5th December, 2018
cbs



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(disposed of)

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