

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.4263 of 2007

ORDER:

This writ petition is filed seeking the following relief:

“For the reasons stated in the accompanying affidavit the petitioner herein prays that this Hon'ble Court may be pleased to issue a writ or order more in the nature of writ of mandamus declaring the final order No.E2/114(1)/05-SDNR dated 29-7-2005 of the 2nd respondent and proceedings dated 15-12-2005 of the 3rd respondent as illegal, arbitrary and disproportionate and set aside the same with all consequential benefits including continuity of service, attendant benefits and two annual increments with arrears and pass such other order or orders in the interest of justice as otherwise the petitioner may suffer irreparable loss and hardship.”

Heard Sri P.Govinda Rajulu, learned counsel for the petitioner and Sri P. Vinayaka Swamy, learned standing counsel for the respondent corporation.

It has been contended by the petitioner that he was appointed as Driver in the respondent corporation. While so, the 2nd respondent issued a charge sheet against him on 28.06.2005 alleging that he misbehaved with drivers booking ADC, Sri Yadaiah on 03.03.2005. The said act was construed as misconduct and after initiating disciplinary proceedings and after conducting regular departmental enquiry, the disciplinary authority passed an order dated 29.07.2005 reducing his pay by two incremental stages with cumulative effect and ordered that the period of suspension be treated as not on duty. Aggrieved thereby, he filed an appeal before the 3rd respondent, but the same was rejected vide

proceedings dated 15.12.2005. Challenging the same, the present writ petition is filed.

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 with cumulative effect is too harsh. Learned counsel further contended that the appellate authority ought to have taken a lenient view and modified the punishment of reduction of pay of the petitioner by two incremental stages with cumulative effect to that of without cumulative effect, instead of rejecting the appeal.

Learned standing counsel for the respondent corporation had contended that the charge framed against the petitioner is very serious in nature and the disciplinary authority had rightly imposed the punishment of punishment of reduction of pay of the petitioner by two incremental stages with cumulative effect for the proven misconduct in the enquiry and the appellate authority had rightly rejected the appeal filed by the petitioner and, therefore, no interference is called for from this Court.

This Court having considered the submissions made by both the parties is of the considered view that the appellate authority ought to have modified the punishment of reduction of pay of the petitioner by two incremental stages with cumulative effect to that of without cumulative effect instead of rejecting the appeal filed by the petitioner. Therefore, ends of justice would be met if the punishment of reduction of pay of the petitioner by two incremental stages with cumulative effect is modified to that of without cumulative effect.

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

Miscellaneous petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVIL, J

1st November, 2018
cbs



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(disposed of)

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