

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.22610 OF 2003

ORDER:

1. This Writ Petition is filed seeking to issue a writ of *mandamus* by declaring the action of the 4th respondent in imposing the punishment of deferment of annual increment for a period of one year with cumulative effect *vide* Proc.No.02/95(64)/2000-HYT, dated 10.01.2001, confirmed by the 3rd respondent *vide* Proc.No.PA/19(43)/2001-HD, dated 27.07.2001, and further confirmed by the 2nd respondent *vide* Proc.No.PA/20(49)/2002-HCR, dt.13.03.2003, as illegal and arbitrary,

2. Heard Sri A.K.Jayaprakash Rao, learned counsel for the petitioner, and Sri Nanda R. Rao, learned Standing Counsel, appearing for the respondents - Corporation.

3. It has been contended by the petitioner that he was appointed as Conductor in the respondent corporation on 14.05.1986. While he was conducting the bus bearing No.8269, on 02.08.2000, a check was exercised by the checking officials and certain cash and ticket irregularities were detected and thereupon, the respondent – Corporation had initiated disciplinary proceedings against him alleging misconduct. After conducting regular enquiry, the petitioner was imposed with the punishment of deferment of annual increment for a period of one year with cumulative effect. Challenging the same, he preferred appeal before the 3rd respondent - Divisional Manager, Hyderabad Division, who, *vide* orders, dated 27.07.2001, rejected the appeal. Thereafter, the petitioner had preferred revision before the 2nd respondent – Regional Manager, Secunderabad, who, *vide* orders dated 13.03.2003 rejected the revision. Challenging the same, the present Writ Petition is filed.

4. It has been contended by the learned counsel for the petitioner that the punishment of deferment of annual increment for a period of one year with cumulative effect is too harsh. Learned counsel further contended that the revisional authority ought to have taken a lenient view and imposed the punishment of deferment of annual increment for a period of one year without cumulative effect.

5. 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 imposed the punishment of deferment of annual increment for a period of one year with cumulative effect for the proven misconduct in the enquiry. Learned standing counsel further contended that the revisional authority had rightly rejected the said revision and, therefore, no interference is called for in this writ petition and the writ petition is liable to be dismissed.

6. This Court, having considered the rival submissions made by the parties, is of the considered view that the revisional authority ought to have imposed the punishment of deferment of annual increment for a period of one year without cumulative effect instead of with cumulative effect. Therefore, ends of justice would be met if the punishment imposed by the 2nd respondent is modified to that of deferment of annual increment for a period of one year without cumulative effect instead of with cumulative effect.

7. Accordingly, the Writ Petition is disposed of modifying the punishment imposed by the 4th respondent and confirmed by the 2nd respondent to that of deferment of annual increment for a period of one year without cumulative effect instead of with cumulative effect. It is made

clear that the above modified punishment is without any monetary benefits. No order as to costs.

8. Miscellaneous petitions, if any, pending in this writ petition shall stand closed in consequence.

ABHINAND KUMAR SHAVILI, J

Date: 18.12.2018.
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