

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.14421 OF 2007

ORDER

This writ petition is filed seeking for the following relief:

“...to issue a writ or order or direction more particularly one in the nature of Writ of Mandamus declaring that the action of the respondents in imposing the punishment of deferment of petitioner's annual increment for a period of 2 years with cumulative effect besides treating the suspension period as 'not on duty' is bad, arbitrary, unjust and unreasonable by setting aside the final order No.02/95(7)/2006-GDL, dated 12.07.2006 of the 1st respondent and consequently direct the respondents to add the differed increments and treat the suspension period as on duty for all purposes by paying the arrears and pass such other order or orders.”

Heard Sri P.Venkateswar Rao, learned counsel appearing for the petitioner, and Sri B.Mayur Reddy, learned Standing Counsel appearing for the respondent-Corporation.

It is the case of the petitioner that he was appointed as a Conductor in the respondent-Corporation and he was discharging his duties as such. While so, the officials of the respondent-Corporation exercised a check on 05.02.2006 and found that the petitioner had indulged in cash and ticket irregularities. This incident was construed as a misconduct, the respondent-Corporation initiated disciplinary proceedings and after conducting regular departmental enquiry, imposed the punishment of postponement of increment for a period of

two years with cumulative effect, besides treating the suspension period as 'not on duty'. Challenging the same, the present writ petition is filed.

Learned counsel appearing for the petitioner submits that the petitioner has not indulged in cash and ticket irregularity and he has not issued any ticket for the luggage; that in spite of the same, the checking officials, disciplinary authority and the enquiry officer have not appreciated the same and imposed the punishment of postponement of increment for a period of two years with cumulative effect.

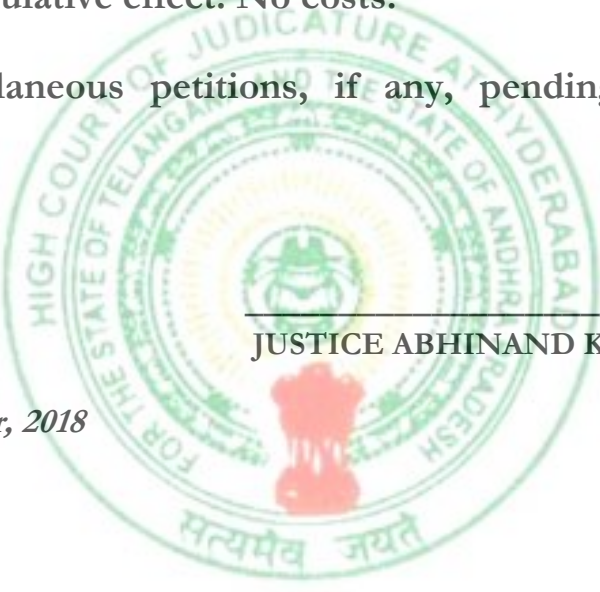
Learned Standing Counsel appearing for the respondent-Corporation contends that in the enquiry every opportunity was given to the petitioner; that the disciplinary authority has rightly imposed the punishment for the proven misconduct; that no illegality has been committed by the respondent-Corporation in passing the order impugned; and therefore, no interference is called for by this Court.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the considered view that except the present charge, no other allegations were levelled against the petitioner in his entire career, the disciplinary authority ought to have imposed the punishment of postponement of increment for a period of two years

without cumulative effect. Hence, ends of justice would be met if the punishment of postponement of annual increment for a period of two years with cumulative effect is modified to that of without cumulative effect.

Accordingly, the Writ Petition is disposed of modifying the punishment of postponement of annual increment for a period of two years with cumulative effect to that of postponement of annual increment for a period of two years without cumulative effect. No costs.

Miscellaneous petitions, if any, pending shall stand closed.



JUSTICE ABHINAND KUMAR SHAVILI

27th September, 2018
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