

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 23187 of 2007

ORDER:

This writ petition is filed seeking to issue a writ of mandamus declaring the office order dated 31.12.2005 imposing major punishment of deferment of two annual increments of the petitioner with cumulative effect besides treatment of suspension period as not on duty for the purpose of leave and increments, as illegal and arbitrary.

Heard Sri P.Govinda Rajulu, learned counsel for the petitioner and learned standing counsel for the respondents.

It has been contended by the petitioner that while he was working as Superintendent (Material) in the 2nd respondent depot, the 2nd respondent issued a charge sheet dated 09.12.2003 against him on the allegation of dereliction of duty on 15.11.2003. 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 31.12.2005 reducing his pay by two incremental stages for a period of two years with cumulative effect and ordered that the period of suspension be treated as not on duty for the purpose of leave and increments only. Aggrieved thereby, he filed an appeal before the Regional Manager on 31.01.2005, but the same is still pending for consideration. 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 for a period of two years with cumulative effect is too harsh and the disciplinary authority ought to have taken a lenient view and imposed the said punishment 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 disciplinary authority had rightly imposed the punishment of reduction of pay of the petitioner by two incremental stages for a period of two years with cumulative effect for the proven misconduct in the enquiry 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 disciplinary authority ought to have taken a lenient view and imposed the punishment of reduction of pay of the petitioner by two incremental stages for a period of two years without cumulative effect instead of with cumulative effect. Therefore, ends of justice would be met if the punishment of reduction of pay of the petitioner by two incremental stages 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 reduction of pay of the petitioner by two incremental stages for a period of two years 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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