

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 16467 of 2011

ORDER:

This writ petition is filed seeking to issue a writ of mandamus declaring the orders dated 01.09.1995 passed by the 2nd respondent imposing major punishment of withholding of annual increment for one year with effect of postponing future increment without conducting departmental enquiry and issuing a show cause notice, as illegal and arbitrary. A consequential direction is also sought to the 2nd respondent to modify the punishment as without effect on future increments with the benefit of fixation of pay, but without any arrears.

Heard Sri P. Govinda Rajulu, learned counsel for the petitioner, and Sri M. Mayur Reddy, learned standing counsel for TSRTC appearing on behalf of the respondents.

It has been contended by the petitioner that he was appointed as Conductor in the respondent corporation. While so, on the allegation that he absented from duties un-authorizedly, the respondent corporation issued a charge sheet on 30.05.1995, for which he submitted explanation. Dissatisfied with his explanation, the respondent corporation, without conducting any enquiry, imposed major punishment of withholding of annual increment for one year with effect of postponing his future increment, vide order dated 01.09.1995. The same is challenged in this writ petition.

Learned counsel for the petitioner has contended that the action of the respondent corporation in imposing the major punishment, without conducting any enquiry, is contrary to the law laid down by the Hon'ble Apex Court in ***Kulwant Singh Gill Vs. State of Punjab***¹.

Learned standing counsel for the respondent corporation has not disputed the said proposition of law.

Having considered the submissions made by the learned counsel on either side and perused the record as well as the judgment (cited supra) relied on by the learned counsel for the petitioner, this Court is of the considered view that the respondent corporation cannot impose on the petitioner any major punishment of withholding of annual increment with cumulative effect without conducting any enquiry. Therefore, ends of justice would be met, if the punishment of withholding of annual increment for one year with cumulative effect is modified to that of without cumulative effect and without any monetary benefits.

Accordingly, the writ petition is disposed of and the impugned order of punishment of withholding of annual increment for one year with cumulative effect is modified to that of without cumulative effect and without any monetary benefits. It is needless to say that after currency of punishment of one year, the withheld increment will be released to the petitioner with all consequential benefits.

¹ 1990 (2) SCALE 597

Consequently, miscellaneous applications, if any, pending in the writ petition shall stand closed.

ABHINAND KUMAR SHAVILI, J

10th October, 2018
cbs



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Writ Petition No. 16467 of 2011
(disposed of)

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