

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.7594 of 2007

ORDER:

This writ petition is filed seeking to issue a writ of *Mandamus* to declare the action of respondents in issuing the proceedings dated 05.10.1999 in removing the petitioner and the order dated 24.03.2000 issued by respondent No.2 reducing two incremental stages with cumulative effect as confirmed by the review authority by proceedings dated 09.08.2004 as illegal and arbitrary.

Heard learned counsel for the petitioner and learned Standing Counsel for respondent-APSRTC.

It is stated that the petitioner joined as Conductor in respondent-Corporation in the year 1991 and his services were regularised in the year 1992. While he was discharging his duties on 08.06.1999, a charge sheet was issued against the petitioner on the allegation of cash and ticket irregularities.

The grievance of the petitioner is that respondent No.3 by order dated 05.10.1999 removed the petitioner from service and respondent No.2 by order dated 24.03.2000 while reinstating the

petitioner, imposed major penalty of reduction of basic pay by two incremental stages with cumulative effect besides treating the suspension period as not on duty. Challenging the same, the present writ petition is filed.

It has been contended by the learned counsel for the petitioner that the modified punishment of removal to that of reduction of pay of the petitioner by two incremental stages for a period of two years with cumulative effect is too harsh. Further, the revisional authority ought to have taken a lenient view and imposed a punishment of reduction of pay by two incremental stages for a period of two years without cumulative effect.

Learned Standing Counsel for respondent-Corporation contended that the charge framed against the petitioner is serious in nature and the disciplinary authority had imposed the punishment of removal for the proven misconduct in the enquiry and the revisional authority had already taken a lenient view and no further lenient view can be taken.

This Court having considered the submissions made by both the counsel, is of the considered view that revisional authority

ought to have imposed of reduction of pay 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 imposed by the revisional authority is modified to that of reduction of pay by two incremental stages for a period of two years without cumulative effect instead of with cumulative effect. However, it is made clear that the above modified punishment is without any monetary benefits.

With the above direction, the writ petition is disposed of.

No costs.

Miscellaneous petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

Date: 16.11.2018
Mjl/*