

THE HONOURABLE SMT JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.23079 of 2002

ORDER

This writ petition is filed seeking a writ of mandamus to declare the proceedings dated 06.01.1996 issued by the second respondent against the petitioner as illegal and arbitrary.

2. Heard Sri P. Govinda Rajulu, learned counsel for the petitioner and Sri P. Durga Prasad, learned Standing Counsel for the respondent Corporation.

3. Learned counsel for the petitioner contended that the petitioner was appointed as driver in the respondent Corporation and while he was discharging his duties, a charge sheet was issued to him on 18.07.1994 alleging his absence from duties w.e.f 27.05.1994 to till the date of charge sheet and also misconduct. He further contended that after conducting a detailed enquiry, the Corporation imposed the punishment of removal vide order dated 30.12.1994 and challenging the said order, the petitioner preferred an appeal to the appellate authority on 17.10.1995. The appellate authority was pleased to modify the punishment of removal to that of stoppage of one increment with cumulative effect vide order dated 06.01.1996. Learned counsel further contended that the appellate authority ought not to have imposed the said punishment and prayed for setting aside the same.

4. Learned Standing Counsel for the respondent Corporation contends that the appellate authority has already taken a lenient

view and therefore, the question of taking further lenient view in the case of the petitioner does not arise and therefore, the writ petition is liable to be dismissed.

5. Having considered the rival contentions of both parties, this Court is of the considered view that the appellate authority has rightly took a lenient view and modified the punishment and therefore, this Court is not inclined to interfere with the impugned order.

6. The Writ Petition is accordingly dismissed. No order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

13th August, 2018

sj

ABHINAND KUMAR SHAVILI, J

