

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P. No. 27514 of 2007

ORDER:-

This writ petition is filed for the following substantive relief:

“...to issue an order in the nature of writ of mandamus declaring the proceedings of the 2nd respondent PA/ 20/ (70)/ 2005-RM.T, dated 16.08.2005 reducing the pay of the petitioner by two incremental stages and treating the period from the date of removal till reporting for duty as “not on duty”, as illegal, arbitrary and unjust and consequently set aside the same by granting increments and treating the period from the date of removal till he reported for duty as “on duty” to the petitioner..”

Heard Sri G.V.Ravi Mohan, learned counsel for the petitioner and Sri A. Ramarao, learned Standing Counsel for A.P.S.R.T.C. appearing on behalf of the respondents and perused the material placed on record.

The brief facts of the case are that the petitioner was appointed as Conductor in the respondent-Corporation in 1990. When he was conducting the Bus on 09.12.2004, checking officials of the Corporation conducted sudden check and found that the petitioner had indulged in cash and ticket irregularities. The respondent – Corporation has construed the petitioner's conduct as misconduct. After conducting a detailed enquiry, the disciplinary authority, by proceedings dated 21.03.2005, imposed punishment of removal from service for the proven misconduct. Challenging the same, the

petitioner filed review and the 2nd respondent, by order dated 16.08.2005, set aside the order of removal and ordered reinstatement, however the petitioner's pay was reduced by two incremental stages treating the period from the date of removal till he reported for duty as "not on duty". Being aggrieved by the order dated 16.08.2005 passed by the 2nd respondent, the present writ petition is filed.

The learned counsel for the petitioner submits that the disciplinary authority, without conducting any enquiry, had imposed the punishment of removal from service and the reviewing authority, while setting aside the termination order, ought not to have imposed punishment of deferment of two annual increments with cumulative effect by treating the period from the date of removal till reporting for duty as "not on duty".

The learned Standing Counsel contends that the disciplinary authority had rightly imposed the punishment against the petitioner and the reviewing authority had rightly set aside the termination order by imposing punishment of deferment of annual increments for a period of two years with cumulative effect by treating the period from the date of removal till reporting for duty as "not on duty".

Having considered the rival submissions made by the learned counsel for both the parties, this Court is of the

opinion that while setting aside the termination order, the reviewing authority ought not to have imposed the punishment of deferment of annual grade increments for a period of two years with cumulative effect. Therefore, this Court feels that ends of justice would be met if the punishment of deferment of annual increments for a period of two years with cumulative effect is modified to that of without cumulative effect.

Accordingly, the writ petition is disposed of. The order dated 16.08.2005 passed by the 2nd respondent – reviewing authority is modified to that of deferment of annual grade increments for a period of two years without cumulative effect. No order as to costs.

As a sequel, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

ABHINAND KUMAR SHAVILI, J

23-10-2018

bcj