

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.26138 of 2006

ORDER:

This writ petition is filed seeking to issue a writ of *Mandamus* to declare the action of respondents in issuing the Show Cause Notice dated 15.10.1999 imposing punishment of deferment of annual increment for a period of two years with cumulative effect, 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 1979 and while he was discharging his duties 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.1 by order dated 15.10.1999 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 respondent authorities had taken a lenient view by reinstating the petitioner 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 ends of justice would be met if the punishment of reduction of pay by two incremental stages for a period of two years with cumulative effect is modified to that of without 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.

Date: 16.11.2018
Mjl/*



ABHINAND KUMAR SHAVILI, J