

HON' BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P. No. 6640 of 2002

ORDER:-

This writ petition is filed seeking to issue a writ of Certiorari calling for the records relating to the impugned proceedings dated 10.11.1999 of the 3rd respondent which was confirmed by the 2nd respondent vide proceedings dated 07.05.2001 and set aside the same insofar it is against the petitioner in denying continuity of service, increments and other benefits. A consequential direction to the respondents to grant all benefits including arrears of pay is also sought.

Heard Sri P.Govinda Rajulu, learned counsel for the petitioner and Sri P.Durga Prasad, 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 Driver. While he was discharging his duties, the bus he was driving, met with a fatal accident, and the respondent - Corporation construed the conduct of the petitioner in involving in an accident as misconduct and issued charge sheet to the petitioner on 13.03.1999. After conducting regular departmental enquiry, the disciplinary authority had imposed punishment of removal from service for the proven misconduct vide proceedings dated 05.07.1999. Being aggrieved by the orders of the disciplinary authority,

the petitioner preferred an appeal and the appellate authority, vide proceedings dated 10.11.1999, took a lenient view and modified the punishment of removal to that of reduction of pay by two incremental stages for a period of two years which shall have the effect of postponing his future increments. Challenging the orders of the appellate authority, the petitioner herein preferred a Review Petition before the 2nd respondent, who, vide proceedings dated 07.05.2001, dismissed the review petition. Challenging the same, the present writ petition is filed.

The learned Standing Counsel submits that the petitioner has already retired from service on attaining the age of superannuation and has accepted all the terminal benefits, and at this point of time, the writ petition cannot be adjudicated on merits. He further contends that the appellate authority has taken a lenient view and modified the punishment of removal to that of reduction of pay by two increments and the same cannot be challenged on the ground of arbitrariness and illegality.

Having considered the submissions made by the learned Standing Counsel that the petitioner has already retired from service, and the appellate authority, while showing lenient view, rightly modified the punishment to that of stoppage of reduction of pay of two increments, which is lesser

punishment than that of removal, this Court is not inclined to interfere with the impugned proceedings.

Hence, the writ petition is devoid of merit and the same is accordingly dismissed. No order as to costs.

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

ABHINAND KUMAR SHAVILI, J

26-07-2018

bcj

