

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.5245 OF 2015

ORDER:

1. This writ petition is filed seeking to issue a writ of Certiorari calling for the records relating to and connected with the proceedings dated 13.6.2014 of the 2nd respondent, and to quash the same by declaring the same as illegal, arbitrary, contrary to the regulations of APSRTC and also violative of Articles 14 and 16 of the Constitution of India, and consequently, to set aside the same, and allow the petitioner to get all incidental and consequential monetary and service benefits along with arrears.

2. Heard Sri Peeta Raman, learned Counsel for the petitioner and Sri N. Vasudeva Reddy, learned Standing Counsel for the respondent-Corporation.

3. It has been submitted by the petitioner that while he was working as conductor, the Traveling Ticket Inspection Team conducted a check and alleged that the petitioner has indulged in cash and ticket irregularities and that the 5th respondent having treated the said irregularity as misconduct initiated disciplinary proceedings against him and finally, the disciplinary authority imposed major penalty of removal from service vide proceedings dated 26.3.2014 and aggrieved by the same, the petitioner preferred appeal before the 4th respondent and the 4th respondent-appellate authority rejected the appeal on 19.4.2014 and challenging the same, the petitioner filed a review petition before the 3rd respondent on 9.5.2014 and the said review was also rejected on 19.5.2014 and thereafter, the petitioner submitted a mercy petition to the 2nd respondent on 23.5.2014 and the 2nd respondent passed orders thereon modifying the punishment of removal from service to that of reduction of pay by two incremental stages

with cumulative effect. It has been further submitted that the petitioner has retired from service on attaining the age of superannuation and therefore, a direction may be given to consider his case and convert the punishment of reduction of pay by two incremental stages with cumulative effect to that of without cumulative effect.

4. The learned Standing Counsel submits that all the remedies, which are available to the petitioner, have already been exhausted and therefore, question of considering the case of the petitioner at this stage would not arise.

5. Having considered the submissions made by both the parties, this Court is of the view that ends of justice would be met, without expressing any opinion on merits if this writ petition is disposed of directing the petitioner to submit a representation to the respondents concerned seeking to reduce the punishment of reduction of pay by two incremental stages with cumulative effect to that of reduction of pay by two incremental stages without cumulative effect.

6. Accordingly, the Writ Petition is disposed of directing the petitioner to submit a representation to the 2nd respondent seeking to reduce the punishment of reduction of pay by two incremental stages with cumulative effect to that of reduction of pay by two incremental stages without cumulative effect, within a period of two weeks from the date of receipt of a copy of this order. On such representation being made, the 2nd respondent is directed to consider the same and pass appropriate orders, within a period of eight weeks thereafter. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

(ABHINAND KUMAR SHAVILI, J)

26th April, 2018
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