

HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.23890 OF 2003

ORDER:

1. When this matter is taken up for hearing, the learned Counsel for the petitioner submits that the petitioner is challenging the punishment imposed by the respondent vide proceedings dated 29.2.2000, wherein punishment of postponement of regularization of service for one year was imposed. Further, the learned Counsel for the petitioner submits that the above said punishment is not enumerated in the regulations, and the respondent should not have imposed the punishment, which is not enumerated in the regulations and therefore, the writ petition be allowed setting aside the punishment orders dated 29.2.2000.

2. The learned Standing Counsel for the respondent submits that the petitioner had indulged in serious misconduct and the disciplinary authority has rightly imposed the punishment of postponement of regularization of the petitioner for a period of one year, and that no illegality has been committed by the respondent and that there are no merits in this petition and therefore, the writ petition is liable to be dismissed.

3. This Court having considered the rival submissions made by the parties is of the view that similar issue fell for

consideration before this Court in the case of **K.C. Narayana Vs. Managing Director, APSRTC**, wherein this Court having held that the authorities cannot impose any other punishment, which is not enumerated in the regulations, has remanded the matter to the disciplinary authority to pass appropriate orders and impose any other punishment lesser than what has been imposed.

4. In the light of the above judgment, this Court is of the view that this writ petition can also be remanded to the authorities by setting aside the impugned punishment order dated 29.2.2000, to pass appropriate orders in accordance with the regulations.

5. Accordingly, the Writ Petition is disposed of setting aside the impugned order dated 29.2.2000 and remanding the matter to the disciplinary authority concerned to pass appropriate orders in accordance with the regulations. While doing so, the disciplinary authority should consider the case of the petitioner and impose any other lesser punishment than what had been imposed earlier, in accordance with the regulations. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

Dated: 19th December, 2018.
Nn.

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19/12/2018

Nn.