

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI**WRIT PETITION No.23124 OF 2003****ORDER :**

This writ petition is filed seeking to issue a writ, order or direction more in the nature of Writ of Mandamus, declaring the office order dated 28.10.2002 passed by the 2nd respondent as illegal, arbitrary and contrary to law and set aside the same and consequential direct the respondents to reinstate the petitioner as Mechanic with all consequential benefits including arrears.

2. Heard Sri P.Govinda Rajulu, learned Counsel for the petitioner and Sri K.Harinath, Standing Counsel for the respondent-Corporation.

3. It has been contended by the petitioner that while he was discharging his duties as Mechanic, the respondent-Corporation had issued a Show Cause Notice on 16.09.2002, due to carelessness and negligent maintenance. The respondent-Corporation construed the said act of the petitioner as misconduct and initiated disciplinary proceedings. After conducting regular departmental enquiry, he was reverted to the former post of Helper vide Proceedings No. M1/105(1)/02.BHEL, dated 28.10.2002 passed by the 2nd respondent, by fixing his Pay in the scale of Rs. 3200-95-3675-1054830-120-6390-130-7430 of RPS 2001 for a period of two (2) years duly treating the period of suspension as 'not on duty' for all purposes for the proven misconduct. The petitioner had preferred an appeal to the 2nd respondent and the same was rejected. Challenging the same, the present writ petition is filed.

4. It has been contended by the learned counsel for the petitioner that the punishment of reverting to the former post of Helper by fixing his Pay in the scale of Rs.3200-95-3675-1054830-120-6390-130-7430 of RPS 2001 for a period of two (2) years, duly treating the period of suspension as 'not on duty' for all purposes, is too harsh.

5. The Standing Counsel for the respondent-Corporation had contended that the disciplinary authority had imposed the punishment of reversion for the proven misconduct in the enquiry. He further contended that the respondent-Corporation had taken a lenient view and no further lenient view can be taken and the writ petition is liable to be dismissed.

6. This Court, having considered the submissions made by both the parties, is of the considered view that the disciplinary authority ought to have imposed the punishment of reduction of Pay by one incremental stage for a period of one year without cumulative effect instead of reverting the petitioner to the post of Helper and fixing his pay with cumulative effect. Therefore, ends of justice would be met if the punishment imposed by the disciplinary authority is modified to that of reduction of pay by one incremental stage for a period of one year without cumulative effect, instead of reverting the petitioner to the post of Helper and fixing his pay in the scale of Rs.3200-95-3675-1054830-120-6390-130-7430 of RPS 2001 for a period of two (2) years.

7. Accordingly, the writ petition is disposed of, modifying the punishment imposed by the disciplinary authority to that of reduction of pay by one incremental stage for a period of one year without cumulative effect instead of reverting the petitioner to the post of Helper and fixing his pay in

the scale of Rs.3200-95-3675-1054830-120-6390-130-7430 of RPS 2001 for a period of two (2) years. It is made clear that the above modified punishment is without any monetary benefits. No order as to costs. Miscellaneous petitions pending, if any, stand closed.

ABHINAND KUMAR SHAVILI, J

Date: 29.10.2018

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