

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.13512 OF 2001

ORDER

This writ petition is filed seeking to issue a Writ of Certiorari calling for the records relating to and connected with the punishment order dated 9.5.2001 issued by the 2nd respondent vide proceedings No.WK/UTIL/2001/797, and to quash the same by declaring it as illegal, arbitrary and consequently to direct the respondents to reinstate the petitioner in the post of Chargeman (Mechanical) Cluster-C in S-6 Grade with all consequential benefits.

Heard Sri A.Vishnu Vardhan Reddy, learned counsel appearing for the petitioner and Sri K.Sarva Bhouma Rao, learned counsel appearing for the respondents.

It is the case of the petitioner that while he had been working as Chargeman (Mechanical) Cluster-C in S-6 Grade, the respondent had issued a charge sheet on 20.1.2000 levelling two articles of charges, which reads as under:

(i) Violation of Clause 25.1.3 of the Certified Standing Orders of the Company read with clause No.27.65 of the Standing Orders of the Company.

(Clause 25.1.3 reads as follows: If any declaration given or information of serious nature furnished by a workman in connection with his appointment or during the course of his service proves to be false, or if it is found that he/she has willfully suppressed any material information or on receipt of adverse report on verification of character and antecedents).

(ii) Contracting of marriage while having a spouse living (clause No.27.12 of the Standing Orders of the Company).

The petitioner had submitted his explanation denying the said charges. Being not satisfied with the explanation submitted by the petitioner, the respondents had ordered for regular enquiry by appointing an Enquiry Officer. The Enquiry Officer had conducted a detailed enquiry and submitted his report on 20.10.2000 holding that the charges leveled against the petitioner were proved. The respondents had furnished copy of the enquiry report to the petitioner which was acknowledged by the petitioner on 6.11.2000. Thereafter, the respondent-disciplinary authority *vide* order 9.5.2001 imposed the punishment of reduction to the lower post of Technician S-5 Grade in the pay scale of Rs.2310-69-2793-78-3339/- with immediate effect as a disciplinary measure. Thereafter, the petitioner had preferred an appeal before the appellate authority and the appellate authority had rejected the said appeal *vide* order dated 1.6.2001. Challenging the same, the present writ petition is filed.

Learned counsel appearing for the petitioner submits that the disciplinary authority had not given any second show cause notice before imposing any punishment and enquiry was conducted against the petitioner without following the principles of natural justice.

Learned Standing Counsel appearing for the respondents contends that every opportunity was given to the petitioner and only when the enquiry officer had submitted a report holding that the charges are proved, then only the disciplinary authority after looking into the entire case has imposed the punishment of reversion, therefore, no interference is called for from this Court.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the considered view that issuance of second show cause before imposing punishment is not required after amendment to Article 42 of the Constitution of India. Perusal of the records does not disclose that the petitioner was not given opportunity during the course of enquiry. The punishment imposed is also not shockingly disproportionate to the charges leveled against the petitioner.

In view of the same, there are no merits in the writ petition and the same is liable to be dismissed.

Accordingly, the Writ Petition is dismissed. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

22nd June, 2018
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