

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.19567 of 2007

ORDER:

This writ petition is filed seeking the following relief:

“For the reasons stated in the accompanying affidavit, the petitioner herein prays that this Hon'ble Court may be pleased to issue an order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondents in imposing the punishment of removal from service vide proceedings No.01/2(12)/04-YMG, dated 21-3-05 and the orders passed by the 2nd respondent in so far it went against the petitioner in imposing the punishment of reduction of basic pay by three (3) incremental stages with cumulative effect vide proceedings No.PA/19(86)/2005-RM'Q', dated 9-5-2005 as illegal, unjust and arbitrary and as such liable to be set aside with a direction to pay the arrears of differed wages forthwith in the interest of justice and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

Heard Sri S.M.Subhan, learned counsel for the petitioner and Sri Aravala Rama Rao, learned standing counsel for the respondents-corporation.

It has been contended by the petitioner that he was appointed as Driver in the respondent corporation. While he was discharging his duties on 6.11.2004 at Budur Village, the respondents-corporation had issued a charge sheet alleging that the vehicle bearing No.AP 10z 05 was driven by him in rash and negligent manner, which caused accident at Budur Village, that a lady was run over by the left front tyre of service vehicle and the said act of the petitioner was construed as misconduct and conducted regular departmental enquiry and after conducting regular departmental enquiry, he was removed from service vide orders dated 21.03.2005 for the proven misconduct. The petitioner had preferred an appeal and the same was dismissed. Thereafter, the petitioner had preferred revision before the 2nd respondent-Regional Manager, APSRTC

and the 2nd respondent vide orders dated 09.05.2005 had modified the punishment of removal to that of reduction of his pay by three incremental stages which will have the permanent effect on his future increments. Challenging the same, the present writ petition is filed.

It has been contended by the learned counsel for the petitioner that the modified punishment of removal to that of reduction of pay of the petitioner by three incremental stages which will have the permanent effect on his future increments is too harsh. Learned counsel further contended that the revisional authority ought to have taken a lenient view and imposed a punishment of reduction of pay by three incremental stages without cumulative effect.

Learned standing counsel for the respondent corporation had contended that the charge framed against the petitioner is very serious in nature and the disciplinary authority had imposed the punishment of removal for the proven misconduct in the enquiry. Learned standing counsel further contended that the revisional authority had taken a lenient view and no further lenient view can be taken and the writ petition is liable to be dismissed.

This Court, having considered the submissions made by both the parties, is of the considered view that revisional authority ought to have imposed reduction of pay by three incremental stages for a period of three years without cumulative effect. Therefore, ends of justice would be met if the punishment imposed by the revisional authority is modified to that of reduction of pay by three incremental stages for a period of three years without cumulative effect.

Accordingly, the Writ Petition is disposed of modifying the punishment imposed by the revisional authority to that of reduction of pay by three incremental stages for a period of three years without cumulative effect. It is made clear that the above modified punishment is without any monetary benefits. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

Date: 19/11/2018

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