

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.26202 OF 2003

ORDER:

This writ petition is filed under Article 226 of the Constitution of India, seeking to issue writ of mandamus declaring the action of the respondents in imposing punishment of reduction of basic pay by 2 incremental stages with cumulative effect besides treating the period of suspension as not on duty, vide proceedings, dated 06.06.2003, as illegal and contrary to the well established principles of law and set aside the same and consequently grant all other consequential benefits.

2. Heard Sri S.M.Subhan, learned counsel for petitioner and Sri B.Mayur Reddy, learned standing counsel for the respondents.

3. It is the case of the petitioner that he was appointed as conductor during 1991. While he was discharging duties during January, 2003, he had indulged in cash and ticket irregularities and the said conduct of the petitioner was construed as misconduct by the disciplinary authority and after initiating disciplinary proceedings for the proven misconduct in the enquiry, the petitioner was imposed punishment of reduction of 2 incremental stages with cumulative effect, vide proceedings, dated 06.06.2003. Challenging the same, the present writ petition is filed.

4. It has been contended by the learned counsel for the petitioner that the disciplinary authority ought not to have imposed punishment of reduction of pay by 2 incremental stages with cumulative effect and the disciplinary authority ought to have at least imposed

punishment of reduction by 2 incremental stages without cumulative effect.

5. Learned standing counsel for the respondents contended that the disciplinary authority had imposed punishment of reduction of pay by 2 incremental stages with cumulative effect for the proven misconduct and no irregularity has been committed by the disciplinary authority in imposing the said punishment.

6. This Court having considered the rival contentions made by both parties, is of the considered view that the disciplinary authority had rightly imposed punishment of reduction of pay by 2 incremental stages with cumulative effect for the proven misconduct in the enquiry and no irregularity is found in the orders passed by the disciplinary authority calling for interference of this Court.

7. Accordingly, the writ petition is dismissed. No order as to costs. Miscellaneous petitions, if any pending in this writ petition shall stand closed.

ABHINAND KUMAR SHAVILI, J

DATED:12-10-2018

Hsd