

HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.14147 OF 2009

ORDER:

This writ petition is filed seeking a writ of *Mandamus* to declare the proceedings dated 30.10.2002, issued by the 1st respondent, confirming the proceedings dated 5.10.2002, issued by the 3rd respondent, as illegal and arbitrary.

Heard Sri C. Raghu, learned counsel for the petitioner and Sri N. Vasudeva Reddy, learned Standing Counsel for the respondents.

It has been contended by the learned counsel for the petitioner that the petitioner was appointed as a driver and while he was discharging his duties during April, 2002, petitioner has indulged in a fatal accident and the respondents construed the same as a misconduct and after initiating disciplinary proceedings, had imposed a punishment of removal on 5.9.2002. Aggrieved by the same, the petitioner has preferred an appeal before the appellate authority and the appellate authority vide orders dated 5.10.2002, rejected the same and thereafter, the petitioner has preferred a review before the reviewing authority and the same was also dismissed vide orders dated 30.10.2002. Challenging the same, the present writ petition is filed.

It has been contended by the learned counsel for the petitioner that on the very same set of allegations, a Criminal Case No.120 of 2002, was also booked against the petitioner and he was acquitted by the competent criminal court vide judgment dated 24.2.2005. The respondents had imposed a major penalty for no fault of the petitioner and the punishment of removal is shockingly disproportionate to the charges leveled against the

petitioner. The learned counsel further contends that the petitioner had indulged in an accident and the competent criminal court has acquitted the petitioner from the criminal liability, but the respondents have not considered the case of the petitioner and the respondents ought to have at least taken a lenient view in imposing any punishment other than the punishment of removal.

Learned Standing Counsel appearing for the respondents had contended that the petitioner had indulged in a fatal accident and in the enquiry it was established that for the rash and negligent driving of the petitioner, a punishment of removal was imposed by the disciplinary authority, and therefore, no interference is called for from this Court and the writ petition is liable to be dismissed.

Having considered the rival submissions made by the parties, this Court is of the considered view that ends of justice would be met, if the petitioner is directed to be reinstated as a fresh driver without any continuity of service and back wages subject to medical fitness.

With these observations, the writ petition is disposed of. No order as to costs.

As a sequel to disposal of the writ petition, Miscellaneous Petitions, if any pending, shall also stand closed.

ABHINAND KUMAR SHAVILI,J

Date:28.09.2018.
Gk.

HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI



Date:28.09.2018

Gk.