

HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.13290 OF 2005

ORDER:

1. This writ petition is filed seeking to issue a writ of Mandamus declaring the office order dated 18.1.2003, whereunder two annual increments of the petitioner were withheld with cumulative effect, and suspension period was treated as not on duty, as illegal and arbitrary, and consequently, to set aside the same.

2. Heard Sri P. Govinda Rajulu, learned Counsel for the petitioner and Sri S.V. Ramana, learned Standing Counsel for the respondent-Corporation.

3. It is the case of the petitioner that he was appointed as conductor in the respondent-Corporation and while he was discharging his duties during October, 2002 the checking officials conducted check and alleged that he indulged in cash and ticket irregularities. The alleged irregularity was construed as misconduct and disciplinary proceedings were initiated against the petitioner. The disciplinary authority after conducting enquiry, imposed punishment of deferment of two annual increments with cumulative effect besides treating the suspension period as 'not on duty', vide proceedings dated

18.1.2003. The petitioner unsuccessfully filed appeal and review. Thereafter, he filed the present writ petition.

4. Learned Counsel for the petitioner contended that deferment of two annual increments with cumulative effect is shockingly disproportionate to the charge levelled against the petitioner, and moreover, the checking officials deposed before the enquiry officer that the petitioner is not guilty of the charge, but he has not collected the amount from the passenger, and in spite of the same, the enquiry officer held that charge was proved. He further contended that deferment of two annual increments with cumulative effect may be modified atleast to that of without cumulative effect.

5. Learned Standing Counsel for the respondent-Corporation contended that the disciplinary authority imposed the punishment after conducting a detailed enquiry and the disciplinary authority has not committed any irregularity or illegality in imposing the punishment on the petitioner.

6. This Court having considered the rival submissions made by the parties and the gravity of the charge proved against the petitioner, is of the view that disciplinary authority has rightly imposed the punishment. No procedural illegality or irregularity has been pointed out by the learned Counsel for the petitioner in the proceedings impugned. In the absence of the same, the

Courts cannot interfere with the orders of the disciplinary authority. Therefore, this Court is not inclined to interfere with the proceedings impugned.

7. Accordingly, the Writ Petition is dismissed. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

Dated: 19th September, 2018.
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19/09/2018

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