

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 18206 of 2011

ORDER:-

1. This writ petition is filed seeking to issue a writ of Mandamus declaring the action of the 1st respondent in mentioning the word 'permanent effect' in clause No.2 of the review orders dated 18.11.2004, as illegal and arbitrary, and consequently, to direct the respondents to add yearly increments to the petitioner's basic pay as per Regulation 11 of (Pay and Allowances) APSRTC Regulations.

2. Heard Sri G. Ravi Mohan, learned Counsel for the 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 Driver in the respondent-corporation on 1.3.1991. While he was discharging his duties during March, 2002, a charge memo was issued to him alleging that he caused an accident. The disciplinary authority after conducting enquiry against the petitioner imposed punishment of removal vide order dated 17.8.2002. Challenging the same, the petitioner has unsuccessfully preferred an appeal. Later, he filed review before the reviewing authority. The 1st respondent-reviewing authority vide order dated 18.11.2004 was pleased to take a

lenient view and was pleased to set aside the order of removal directing the respondent-Corporation to reinstate the petitioner into service as a driver without any back wages. However, the reviewing authority reduced the pay of the petitioner to minimum of the driver's basic with permanent effect. The petitioner filed this writ petition challenging the punishment of reduction of pay imposed by the reviewing authority vide order dated 18.11.2004 with permanent effect.

4. The learned Counsel for the petitioner contends that the word 'permanent effect' from the order of the reviewing authority may be deleted and a direction may be issued to the respondents to release the increments of the petitioner on year to year basis.

5. The learned Standing Counsel for the respondents contended that reduction of pay to minimum of the driver's basic is one of the punishments enumerated in the regulations and that no illegality has been committed by the reviewing authority while taking a lenient view and modifying the punishment of removal to that of reduction of pay to minimum of driver's basic pay with 'permanent effect'.

6. This Court having considered the rival submissions made by the parties is of the view that the reviewing authority should not have imposed punishment of reduction of pay of the

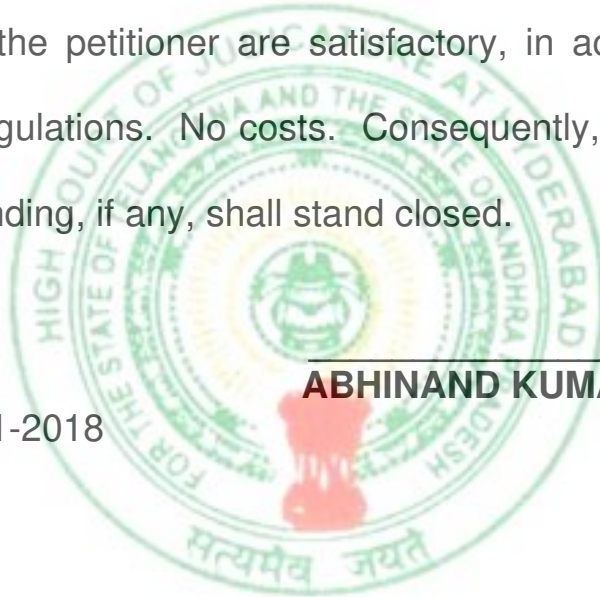
petitioner on permanent basis and it amounts to deprive the rights of the petitioner eternally. Therefore, ends of justice would be met if the word 'permanent effect' is deleted from the order of the reviewing authority dated 18.11.2004.

7. Accordingly, the Writ Petition is disposed of deleting the word 'permanent effect' in the order impugned and directing the respondents to release the increments of the petitioner from the date of reinstatement on year to year basis provided the services of the petitioner are satisfactory, in accordance with rules and regulations. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

Dated: 14-11-2018

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HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI



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