

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.23118 of 2005

ORDER:

1. This writ petition is filed seeking to issue a writ of mandamus declaring the office order dated 23.6.1994 as illegal and arbitrary, and to set aside the same with all consequential benefits including arrears of pay.

2. Heard Sri P.Govinda Rajulu, learned Counsel for the petitioner and Smt. B.G. Uma Devi, learned Standing Counsel for the respondent-Corporation.

3. It has been contended by the petitioner that he was appointed as driver in the respondent-Corporation and while he was discharging his duties, a charge sheet was issued on 13.4.1994 on the allegations of insubordination, negligence towards duties and lack of service motto, and the respondent-Corporation after conducting regular departmental enquiry, imposed major punishment of deferment of annual increment for a period of two years, which shall have the effect of postponing his future increments, vide order dated 23.6.1994. Aggrieved by the same, the petitioner filed this writ petition.

4. It has been contended by the learned Counsel for the petitioner that before imposing the punishment of deferment of annual increment for a period of two years with cumulative effect, the respondent is bound to issue show cause notice in terms of Regulation 12 (13) of APSRTC Employees' (Classification, Control and Appeal) Regulations, 1967. The learned Counsel for the petitioner relied on the orders of this Court in W.P.No.27175 of 2012 dated 17.08.2012, wherein it was held as follows:

“Since the learned Counsel on both sides agree that the impugned order is a severable one, that portion of the order, which imposed major punishment on the petitioner, can be dissected from the rest of the portion of the order. Hence, the order passed by the Depot Manager, Rajendranagar Depot on 10.06.2011 is modified to that of deferment of one annual grade increment, which falls next due, without cumulative effect. However, this order will not ensure any monetary benefit up to today and it will be given effect to only for notional pay fixation purposes.”

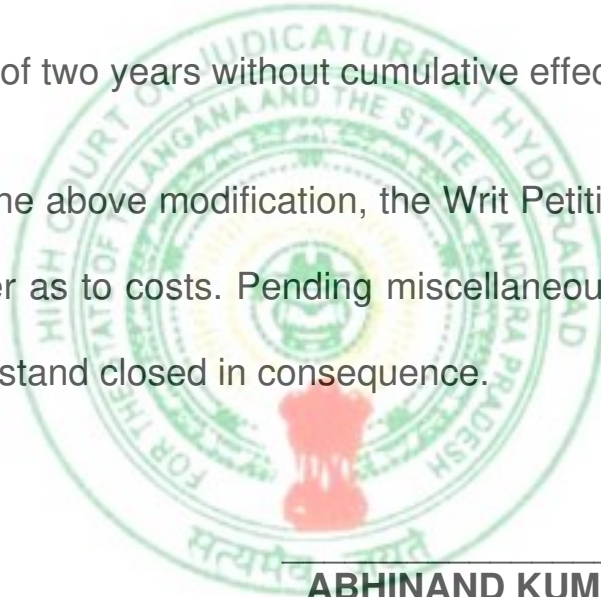
While relying upon the above order, the learned Counsel for the petitioner contended that in the instant case also the deferment of annual grade increment for a period of two years, with cumulative effect can be modified to that of deferment of annual grade increment for a period of two years without

cumulative effect by following the order in W.P.No.25175 of 2012.

5. Learned Standing Counsel for the respondent did not dispute the above said facts.

6. Therefore, in terms of the order of this Court in W.P.No.25175 of 2012 dated 17.08.2012, the punishment of deferment of annual increment for a period of two years, with cumulative effect is modified to deferment of annual increment for a period of two years without cumulative effect.

7. With the above modification, the Writ Petition is disposed of. No order as to costs. Pending miscellaneous applications, if any, shall stand closed in consequence.



ABHINAND KUMAR SHAVILI,J

Date: 19.09.2018
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19.9.2018

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