

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.18360 OF 2003

ORDER:

1. This Writ Petition is filed seeking to issue a writ of *mandamus* declaring the action of the 2nd respondent, dated 07.04.2003, in imposing the punishment of deferment of annual increment for a period of six months with cumulative effect, as illegal and arbitrary.

2. Heard Smt B.Malleswari, learned counsel for the petitioner, and Sri P.Vinayaka Swamy, learned Standing Counsel, appearing for the respondents - Corporation.

3. It has been contended by learned counsel for the petitioner that the petitioner was appointed as Conductor in the respondent corporation. While he was discharging duties as Conductor in the respondent corporation, he submitted his report before the Depot Manager, Jammalamadugu, on 24.08.1998. Basing on that, a charge sheet dated 12.02.1999 was issued to the petitioner alleging misbehaviour and creating nuisance in the office. After conducting regular departmental enquiry, the Depot Manager, Jammalamadugu, *vide* orders dated 31.08.1998, imposed the punishment of deferment of annual increment for a period of six months with cumulative effect. Challenging the same, he preferred an appeal before the appellate authority *i.e.* Deputy Chief Traffic Manager, *who*, *vide* his orders dated 22.03.2000, rejected the appeal. Aggrieved thereby, the petitioner filed Writ Petition No.25188 of 2000 before this Hon'ble Court. This Court, *vide* orders dated, 26.04.2001, quashed the impugned order and remitted back the matter to the respondent – corporation for fresh disposal, in terms of the Circular dated 19.02.2000, in accordance with law, within a period of three (3) months from the date of receipt of a copy of the said order. Thereafter, the 2nd

respondent herein *vide* orders, dated 07.04.2003, conducted a false enquiry and dismissed the appeal confirming the order, dated 31.08.1998, of the Depot Manager, Jammalamadugu. Challenging the same, the present writ petition is filed.

4. It has been contended by the learned counsel for the petitioner that the punishment of deferment of annual increment for a period of six months with cumulative effect is too harsh. Learned counsel further contended that the appellate authority ought to have taken a lenient view and imposed the punishment of deferment of annual increment for a period of six months without cumulative effect.

5. Learned standing counsel for the respondent corporation had contended that the charges framed against the petitioner are very serious in nature and the disciplinary authority had imposed the punishment of deferment of annual increment for a period of six months with cumulative effect for the proven misconduct in the enquiry. Learned standing counsel further contended that the appellate authority had rightly dismissed the appeal and, therefore, no interference is called for from this Court and the writ petition is liable to be dismissed.

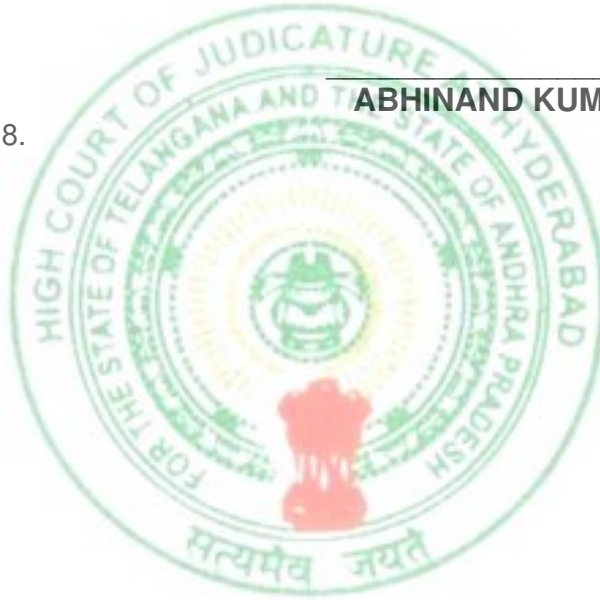
6. This Court, having considered the rival submissions made by the parties, is of the considered view that the appellate authority ought to have imposed the deferment of annual increment for a period of six months without cumulative effect instead of dismissing the appeal. Therefore, ends of justice would be met if the punishment imposed by the disciplinary authority *i.e.*, Depot Manager, Jammalamadugu, and confirmed by the 2nd respondent appellate authority is modified to that of deferment of annual increment for a period of six months without cumulative effect.

7. Accordingly, the Writ Petition is disposed of modifying the punishment imposed by the disciplinary authority *i.e.*, Depot Manager, Jammalamadugu, and confirmed by the 2nd respondent appellate authority to that of deferment of annual increment for a period of six months without cumulative effect instead of with cumulative effect. It is made clear that the above modified punishment is without any monetary benefits. No order as to costs.

8. Miscellaneous petitions, if any, pending in this writ petition shall stand closed in consequence.

Date: 18.12.2018.
Dsh

ABHINAND KUMAR SHAVILI, J



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Date. 18.12.2018

DSH