

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P. No.26057 of 2007ORDER:

This writ petition is filed seeking the following relief:

“To declare the proceedings No. PA/ 19(40)/ 2004-RM-KRMR dated 15.06.2005 passed by the 2nd respondent in so far as against to the petitioner in denying the continuity of service and deferment of two years annual increments with cumulative effect and further direct the respondents herein to grant all consequential benefits including continuity of service, two annual increments and back wages etc.”

2. Heard Sri P.Govindarajulu, the counsel for the petitioner and Sri B.Mayur Reddy, Standing Counsel for the Respondent-Corporation.
3. It has been contended by the petitioner that he was appointed as Conductor in the year 1989, and while he was discharging duties as such, the respondent-Corporation issued a charge sheet, alleging that he absented himself from duty from 30.12.2003, and the said act was constructed as misconduct and conducted regular departmental enquiry and after conducting regular departmental enquiry, he was removed from service, vide orders dated 31.05.2004 for the proven misconduct. The petitioner had preferred an appeal and the same was dismissed. Thereafter, the petitioner had preferred revision before the 2nd respondent, and the 2nd respondent, vide order dated 15.06.2005, set aside the removal of the petitioner; however, denying continuity of service and two annual increments and back wages. Challenging the same, the present writ petition is filed.

4. It has been contended by the learned counsel for the petitioner that the modified punishment of removal to that of reduction of pay of the petitioner by two incremental stages for a period of two years permanently is too harsh. Learned counsel further contended that the reviewing authority ought to have taken a lenient view and imposed a punishment of reduction of pay by two incremental stages for a period of two years without cumulative effect.

5. The Standing Counsel appearing for the respondent-Corporation had contended that the charge framed against the petitioner is very serious in nature and the disciplinary authority had imposed the punishment of removal for the proven misconduct in the enquiry. Learned Standing Counsel further contended that the revisional authority had taken a lenient view and no further lenient view can be taken, and the writ petition is liable to be dismissed.

6. This Court, having considered the submissions made by the parties, is of the considered view that the revisional authority ought to have imposed a punishment of reduction of pay by two incremental stages for a period of two years without cumulative effect, instead of with cumulative effect. Therefore, ends of justice would be met if the punishment imposed by the revisional authority is modified to that of reduction of pay by two incremental stages for a period of two years without cumulative effect, instead of with cumulative effect.

7. Accordingly, the writ petition is disposed of, modifying the punishment imposed by the revisional authority to that of reduction of pay by two incremental stages for a period of two years without cumulative effect. It is made clear that the above modified punishment

is without any monetary benefits. There shall be no order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

Date: 30.10.2018
DMG

