

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.3181 OF 2007

ORDER:

1. This writ petition is filed seeking to issue a writ of Mandamus declaring the action of the respondents in imposing punishment of reduction of petitioner's pay by two incremental stages with cumulative effect, besides treating the period from the date of removal to the date of reinstatement as 'not on duty', as illegal and arbitrary; to set aside the proceedings of the 1st respondent dated 22.9.2004, which were confirmed by the 2nd respondent, and consequently, to direct the respondents to add the reduced increments immediately by paying the arrears.

2. Heard Sri P. Venkateswar Rao, learned Counsel for the petitioner and Sri B. Mayur Reddy, learned Standing Counsel for the respondents.

3. It has been submitted by the petitioner that she was appointed as conductor and while she was discharging her duties as such in the year 2003, a charge sheet was issued to her alleging that she had assaulted checking officials, and that the respondents construed the said acts of the petitioner as misconduct and initiated disciplinary proceedings against her, and for the proven misconduct, the disciplinary authority imposed the punishment of removal vide proceedings dated 21.4.2004, and challenging the same, the petitioner preferred

appeal and the appellate authority vide order dated 22.9.2004 set aside the order of removal and modified the punishment of removal to that of reduction of pay by two incremental stages with cumulative effect. Aggrieved by the reduction of pay, the present writ petition is filed.

4. Learned Standing Counsel for the respondents contended that the appellate authority took a lenient view and reduced the punishment of removal to that of reduction of pay by two incremental stages, and that there are no merits in this writ petition.

5. This Court having considered the rival submissions made by the parties is of the view that the appellate authority has rightly modified the punishment of removal to that of reduction of pay by two incremental stages with cumulative effect, by taking a lenient view and by applying proportionality theory. The petitioner could not point any illegality or irregularity in the order of the appellate authority. Therefore, this Court is not inclined to interfere with the order impugned.

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

JUSTICE ABHINAND KUMAR SHAVILI

8th October, 2018
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08.10.2018

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