

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P. No.14987 of 2002ORDER:

Heard Sri G.V.Shivaji, learned counsel for the petitioner and learned Standing Counsel for APSRTC appearing on behalf of the respondents.

2. It has been contended by the petitioner that he was appointed as Mechanic in the respondent-Corporation on 30.03.1990. While so, on the allegation of unauthorized absence, he was removed from service, vide proceedings dated 19.06.1997. Aggrieved thereby, the petitioner preferred an appeal to the 3rd respondent, and the same was rejected on 08.02.2001, and thereafter, he filed a review petition before the reviewing authority, 2nd respondent. The reviewing authority directed the respondent-Corporation to reinstate him into service as Cleaner, vide orders dated 12.03.2001. However, subsequently, another proceedings named as corrigendum was issued on 20.03.2001, modifying the appointment of the petitioner as Cleaner to that of Shramik. Aggrieved by the same, the present writ petition is filed.

3. The counsel for the petitioner has contended that the imposition of punishment of removal from service is disproportionate to the alleged misconduct of unauthorized absence. It is further contended that the reviewing authority has no power to revert him to the lower post of Shramik, as the reviewing authority had already issued orders appointing him as Cleaner, though he was working as a Mechanic at the time of removal from service.

4. Per contra, the Standing Counsel for the respondent-Corporation has contended that taking a lenient view, the reviewing authority had directed reinstatement of the petitioner as Shramik and that can never be treated as arbitrary and illegal and the same cannot be challenged in the Court of law.

5. This Court, having considered the rival submissions made by the parties, is of the considered view that the writ petition can be disposed of, setting aside the impugned order passed by the reviewing authority and remanding the matter back to the reviewing authority to take appropriate decision and impose lesser punishment than that of removal, in accordance with the regulations of the Corporation, within a period of four weeks from the date of receipt of a copy of this order.

6. Accordingly, the writ petition is disposed of, setting aside the impugned order passed by the reviewing authority and remanding the matter back to the reviewing authority to take appropriate decision and impose lesser punishment than that of removal, in accordance with the regulations of the Corporation, within a period of four weeks from the date of receipt of a copy of this order. 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