

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.26247 OF 2003

ORDER:

1. This Writ Petition is filed seeking to issue a writ of *mandamus* declaring the proceedings of the 3rd respondent dated 06.06.2002 and also the proceedings of the 2nd respondent dated 29.03.2003 as illegal and arbitrary.

2. Heard Sri P.Govinda Rajulu, learned counsel for the petitioner, and learned Standing Counsel, appearing for the respondent - Corporation.

3. It has been contended by the petitioner that he was appointed as Conductor in the respondent corporation. While he was conducting the bus bearing No.AP10Z-7610, a check was exercised by the checking officials and certain cash and ticket irregularities were detected and thereupon, the respondent – Corporation had initiated disciplinary proceedings against him alleging misconduct. After conducting regular enquiry, the petitioner was removed from service *vide* order dated 07.03.2002 for the proven misconduct. Questioning the same, he had preferred an appeal before the 3rd respondent. The 3rd respondent *vide* orders dated 06.06.2002 ordered his reinstatement into service and further imposed punishment of deferment of annual increment for a period of two years with cumulative effect. Challenging the same, he preferred revision before the 2nd respondent and the 2nd respondent *vide* orders dated 29.03.2003 dismissed the revision. Hence, the present writ petition.

4. It has been contended by the learned counsel for the petitioner that the modified punishment of removal to that of deferment of annual increment for a period of two years with cumulative effect is too harsh. Learned counsel further contended that the revisional authority ought to

have taken a lenient view and imposed a punishment of deferment of annual increment for a period of two years without cumulative effect.

5. Learned standing counsel 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 appellate authority had already taken a lenient view and the revisional authority had rightly dismissed the review petition and therefore no further lenient view can be taken 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 revisional authority ought to have imposed the punishment of deferment of annual increment for a period of two years without cumulative effect instead of dismissing the review petition. Therefore, ends of justice would be met if the punishment imposed by the appellate authority is modified to that of deferment of annual increment for a period of two years without cumulative effect.

7. Accordingly, the Writ Petition is disposed of modifying the punishment imposed by the appellate authority to that of deferment of annual increment for a period of two years without 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.

ABHINAND KUMAR SHAVILI, J

Date: 18.12.2018.
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184



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