

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.27088 of 2009

ORDER:

This writ petition is filed seeking to issue a writ of mandamus declaring the proceedings of the 3rd respondent dated 06.08.1999 and also the proceedings of the 2nd respondent dated 23.03.2009 as illegal and arbitrary.

Heard Sri P.Govinda Rajulu, learned counsel for the petitioner and learned standing counsel for the respondent corporation.

It has been contended by the petitioner that he was appointed as Attender in the respondent corporation. While so, on the allegation that he threatened one Mr. V.V.Brahmam, typist and snatched away cash on 08.05.1998, a charge sheet was issued against him on 13.07.1998. After conducting regular departmental enquiry, he was removed from service vide orders dated 16.02.1999 for the proven misconduct. Questioning the same, he had preferred an appeal before the 3rd respondent. The 3rd respondent vide orders dated 06.08.1999 ordered his reinstatement into service as Attender and further imposed punishment of reduction of pay by two incremental stages with cumulative effect. Challenging the same, he preferred revision before the 2nd respondent and the 2nd respondent vide orders dated 23.03.2009 dismissed the revision. Hence the present writ petition.

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 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 reduction of pay by two incremental stages without cumulative effect without dismissing the review petition.

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 taken a lenient view and the appellate 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.

This Court having considered the submissions made by both the parties is of the considered view that revisional authority ought to have imposed of reduction of pay by two incremental stages 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 reduction of pay by two incremental stages without cumulative effect.

Accordingly, the Writ Petition is disposed of modifying the punishment imposed by the appellate authority to that of reduction of pay by two incremental stages without cumulative effect. It is made clear that the above modified punishment is without any monetary benefits. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVIL, J

Date:01.11.2018
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WRIT PETITION No. 27088 of 2009
(disposed of)

1st November, 2018

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