

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P. No.24377 of 2004ORDER:

This writ petition is filed seeking the following relief:

“To declare the proceedings No. 02/ 114(1)/ 99-MDK, dated 17.06.2000, as confirmed by the 1st and 2nd respondent vide respective proceedings No. PA/ 26(98)/ 02-DVM-SRD dated 17.04.2003 and proceedings No. PA/ 67516)/ 03-RM.MR dated 15.11.2003 as arbitrary, unjust and in violation of Art. 14, 16 and 21 of the Constitution of India and consequently direct the respondents to restore the reduced increments along with all the consequential benefits duly treating the suspension period as on duty.”

2. Heard the counsel for the petitioner and the Standing Counsel for the Respondent-Corporation.

3. It has been contended by the petitioner that he was appointed as Driver, and while he was discharging duties as such, the respondent-Corporation issued a charge sheet in the year 1999, alleging certain irregularities, and a punishment of withholding of increments for a period of two years with cumulative effect was imposed on the petitioner for the proven misconduct. The petitioner had unsuccessfully preferred an appeal and revision. Challenging the said orders, the present writ petition is filed.

4. It has been contended by the learned counsel for the petitioner that the punishment of deferment of annual increments for a period of two years with cumulative effect is too harsh. Learned counsel further contended that the appellate authority or the revisional authority ought to have taken a lenient view and imposed a punishment of deferment of annual increments for a period of two years without cumulative effect.

5. The Standing Counsel appearing for the respondent-Corporation had contended that the disciplinary authority had imposed the punishment of deferment of annual increments for a period of two years with cumulative effect for the proven misconduct in the enquiry, 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 appellate/ revisional authority ought to have imposed a punishment of deferment of annual increments 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 disciplinary authority, and subsequently confirmed by the appellate authority and the revisional authority, is modified to that of deferment of annual increments 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 disciplinary authority, and subsequently confirmed by the appellate authority and the revisional authority, to that of deferment of annual increments 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: 20.12.2018
DMG

