

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.3335 of 2007

ORDER:

This writ petition is filed seeking to issue a writ of mandamus declaring the proceedings dated 04.08.2005 passed by the 2<sup>nd</sup> respondent 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 Helper in the respondent corporation in the year 1996. While so, on the allegation that he was absented from duty unauthorizedly, the disciplinary authority removed him from service vide proceedings dated 28.10.1991. Aggrieved thereby, he had preferred an appeal and the same was rejected on 03.12.2001. Thereafter, he had preferred revision before the 2<sup>nd</sup> respondent and the 2<sup>nd</sup> respondent vide orders dated 04.08.2005 had modified the punishment of removal to that of his reinstatement into service and reduction of his pay by two incremental stages for a period of two years with cumulative effect. Challenging the same, the present writ petition is filed.

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 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 reduction

of pay by two incremental stages for a period of two years without cumulative effect.

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 revisional authority had taken a lenient view and 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 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 revisional authority is modified to that of reduction of pay by two incremental stages for a period of two years without cumulative effect instead of with cumulative effect.

Accordingly, the Writ Petition is disposed of modifying the punishment imposed by the revisional authority to that of reduction of pay by two incremental stages 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.

Miscellaneous petitions pending, if any, shall stand closed.

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ABHINAND KUMAR SHAVIL, J

Date: 01.11.2018  
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THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVIL



WRIT PETITION No. 3335 of 2007  
(disposed of)

1<sup>st</sup> November, 2018

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