

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.14037 OF 2003

ORDER:

1. This Writ Petition is filed seeking the following relief:

“For the reasons stated in the accompanying affidavit the petitioner prays that this Hon’ble court may be pleased to issue an appropriate writ or direction particularly one in the nature of WRIT OF CERTIORARI and quash the respective impugned order of 2nd respondent issued in proceedings No.PA/24(71)/2001-Dy.CTM/MR, dated 20.02.2001 and Proceedings No.01/2(3)/99-MDK, dated 26.11.91 as arbitrary, unjust and in violation of Art. 14, 16 & 21 of Constitution of India and consequently direct the respondents to restore the deferred increment duly treating the suspension period as on duty with wages along with its consequential benefits in the interest of justice and fair play.”

2. Heard Sri V.Nrasimha Goud, learned counsel for the petitioner, and Sri K.Harinath, learned Standing Counsel, appearing for the respondents - Corporation.

3. It has been contended by the petitioner that he was appointed as Driver in the respondent corporation on 15.02.1984. While the petitioner was discharging his duties on 22.04.1991 at Medak depot, the respondent corporation had issued a charge sheet alleging that the vehicle bearing No. AEZ 2854 was driven by him in a rash and negligent manner, which caused accident at Tunki Bollaram and the said act of the petitioner was construed as misconduct and conducted regular departmental enquiry and after conducting regular departmental enquiry, the 2nd respondent *vide* orders dated 26.11.1991 imposed the punishment of reduction of pay of the petitioner by two incremental stages for a period of two years with cumulative effect, for his proven misconduct. Aggrieved thereby the petitioner had preferred an appeal and, as the same was not disposed of,

he had filed Writ Petition No.21371 of 2000 before this Hon'ble Court; wherein, this Court *vide* order dated 08.11.2000 disposed of the Writ Petition with a direction to the 1st respondent to consider his appeal and pass appropriate orders. Thereafter, the 1st respondent herein *vide* orders dated 20.02.2001, without considering the grounds raised by the petitioner, passed the impugned order confirming the order dated 26.11.1991 of the 2nd respondent. Challenging the same, the present Writ Petition is filed.

4. Learned counsel appearing on behalf of the petitioner – workman had contended that the punishment of reduction of pay of the petitioner by two incremental stages for a period of two years with cumulative effect is too harsh and that the 1st respondent appellate authority ought to have taken a lenient view and imposed the punishment of reduction of pay of the petitioner by two incremental stages for a period of two years without cumulative effect.

5. Learned standing counsel for the respondent corporation had contended that the charges framed against the petitioner are very serious in nature and the disciplinary authority had imposed the punishment of reduction of pay of the petitioner by two incremental stages for a period of two years with cumulative effect for the proven misconduct in the enquiry. Learned standing counsel further contended that the 1st respondent appellate authority had rightly rejected the said appeal and therefore no interference is called for 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 appellate authority ought to have modified the punishment of reduction of pay of the petitioner by two incremental stages for a period of two years without cumulative instead of

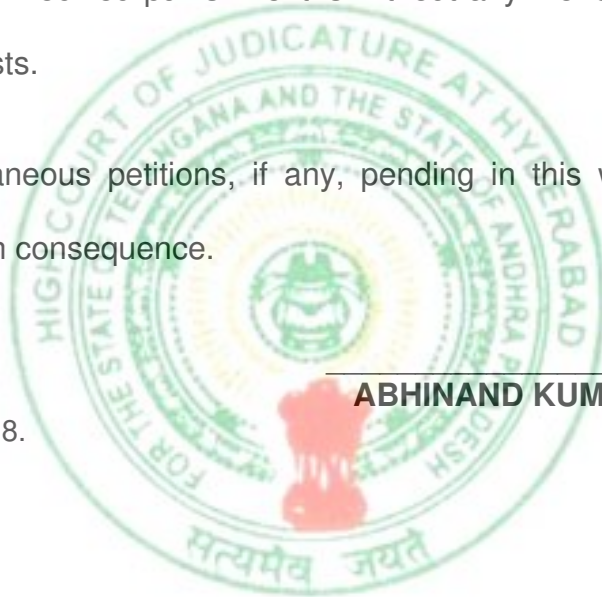
with cumulative effect. Therefore, ends of justice would be met if the punishment imposed by the 2nd respondent and confirmed by the 1st respondent is modified to that of reduction of pay of the petitioner by two incremental stages for a period of two years without cumulative effect instead of with cumulative effect.

7. Accordingly, the Writ Petition is disposed of modifying the punishment imposed by the 2nd respondent and confirmed by the 1st respondent to that of reduction of pay of the petitioner 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.

8. Miscellaneous petitions, if any, pending in this writ petition shall stand closed in consequence.

Date: 18.12.2018.
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ABHINAND KUMAR SHAVILI, J



HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

194



WRIT PETITION No.14037 OF 2003

Date. 18.12.2018

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