

HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.5245 OF 2007

ORDER:

This writ petition is filed seeking to declare the action of the 2nd respondent, in issuing the proceedings dated 28.5.2003, in so far as imposing punishment of deferment of annual increment for a period of two years, which shall have effect on future increments and treating the period from the date of suspension till he reports for duty as “not on duty”, for the purpose of leave, wages and increments, as illegal and arbitrary.

Heard Sri G. Ravi Mohan, learned counsel for the petitioner and Sri A. Rama Rao, learned Standing Counsel for the respondents.

It has been contended by the learned counsel for the petitioner that the petitioner was appointed as a Driver in the year 1998, in the respondent-Corporation, and while he was discharging his duties, he had caused a fatal accident and the respondents construed the same as misconduct and after initiating the disciplinary proceedings, imposed the punishment of removal of the petitioner from service on 20.01.2002. Thereafter, the petitioner has preferred an appeal and the appellate authority has rejected the same on 11.3.2003. Aggrieved by the same, the petitioner has preferred a review before the reviewing authority and the reviewing authority vide orders dated 28.5.2003, by taking a lenient view, set aside the order of removal, however, imposed the punishment of deferment of annual increment for a period of two years, with cumulative effect.

Learned counsel for the petitioner contended that the reviewing authority ought not to have been imposed a major punishment of deferment of annual increment for a period of two years with cumulative effect by setting aside the order of major punishment of removal from service. The reviewing authority, at least ought to have imposed the punishment of deferment of annual increment for a period of two years without cumulative effect.

Learned Standing Counsel appearing for the respondents, contended that the reviewing authority taking a lenient view modified the order of removal to that of deferment of annual increment for two years with cumulative effect though the charges leveled against the petitioner were established. Therefore, no interference is called for from this Court.

Having considered the rival submissions made by the parties, this Court is of the considered view that the reviewing authority, has already taken a lenient view and no further leniency can be shown in favour of the petitioner and removal orders were modified by the reviewing authority and the petitioner was imposed a punishment of deferment of two annual increments for a period of two years with cumulative effect. The said punishment imposed by the reviewing authority, is commensurate to the charges and this Court cannot interfere with the orders of modifying the punishment imposed by the reviewing authority. In view of the above, the writ petition is devoid of merits and the same is liable to be dismissed.

Accordingly, the writ petition is dismissed. No order as to costs.

As a sequel to disposal of the writ petition, Miscellaneous Petitions, if any pending, shall also stand closed.

ABHINAND KUMAR SHAVILI,J

Date:28.09.2018.
Gk.



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