

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.25219 OF 2003

ORDER :

This writ petition is filed seeking to issue a writ, order or direction more in the nature of Writ of Mandamus declare the proceedings of the 2nd respondent dated 9.3.2000 in so far as against to the petitioner as illegal and arbitrary and set aside the same with all consequential benefits including all annual increments continuity of service for out of employment period with wages and refund of deposited amount.

2. Heard Sri P.Govinda Rajulu, learned Counsel for the petitioner and Sri K.Harinath, the Standing Counsel for the respondent-Corporation.

3. It has been contended by the petitioner that while he was discharging his duties as Depot Clerk at Kamareddy Depot, the respondent-Corporation had issued a Show Cause Notice on 24.08.1998 for having been grossly negligent in safe guarding the encashment amount, which was in his custody on 15.4.1998, as a result of which, the amount of Rs.44754.28 ps, kept in DC(T&P) room was found stolen during the night on 15.4.1998, which constitutes misconduct under Reg.No.28 (ix) (a) of APSRTC Employees (Conduct) Reg.19663. The respondent-Corporation construed the said act of the petitioner as misconduct and initiated disciplinary proceedings. After conducting regular departmental enquiry, he was removed from service vide orders dated 16.9.1998 for proven misconduct. The petitioner had preferred an appeal to the 2nd respondent and the same was rejected. Thereafter, the petitioner preferred Revision Petition to the 2nd respondent and the 2nd respondent, vide Proceedings No. Peshi/675(67)/99-RM:NZB, dated 9.3.2000, ordered for reinstatement of the petitioner; however, reducing his

pay by two incremental stages for a period of two years which shall have its effect on his future increments. Challenging the same, the present writ petition is filed.

4. It has been contended by the learned counsel for the petitioner that the punishment of reducing his Pay by two incremental stages for a period of two years which shall have its effect on his future increments, is too harsh. It is further contended that the revisional authority ought to have taken a lenient view and imposed the punishment of reduction of pay by two incremental stages for a period of two years without cumulative effect.

5. The Standing Counsel for the respondent-Corporation had contended that the disciplinary authority had imposed the punishment of removal for the proven misconduct in the enquiry. He 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.

6. This Court, having considered the submissions made by both the parties, is of the considered view that the revisional authority ought to have imposed the punishment 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.

7. 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, stand closed.

ABHINAND KUMAR SHAVILI, J

Date: 29.10.2018
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