

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVIL

WRIT PETITION No.11829 of 2003

ORDER:

This writ petition is filed seeking to issue a writ of mandamus declaring the proceedings dated 23.06.1997 issued by the 1st respondent as confirmed by the 2nd respondent vide proceedings dated 24.04.1998 as illegal and arbitrary.

Heard 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 conductor in the respondent corporation. While he was discharging his duties on 01.10.1996 the checking officials of the respondent corporation conducted a check and found that he had indulged in cash and ticket irregularities. The said act was construed as misconduct and after initiating disciplinary proceedings and after conducting a regular enquiry the disciplinary authority imposed on him punishment of reduction of pay by one incremental stage for one year with cumulative effect vide orders dated 23.06.1997. Aggrieved thereby, he preferred an appeal before the appellate authority and the appellate authority without considering the contentions raised and the evidence on record rejected the appeal on 24.04.1998. The same is challenged in this writ petition.

It has been contended by the learned counsel for the petitioner that the punishment of reduction of pay by one incremental stage for one year with cumulative effect is too harsh.

Learned counsel further contended that the disciplinary authority ought to have taken a lenient view and imposed the punishment of reduction of pay by one incremental stage for one year without cumulative effect.

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 rightly imposed the punishment of reduction of pay by one incremental stage for one year with cumulative effect and the appellate authority rightly rejected the appeal preferred by the petitioner and therefore 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 the disciplinary authority ought to have imposed the punishment of reduction of pay by one incremental stage for one year without cumulative effect instead of with cumulative effect. Therefore, ends of justice would be met if the punishment imposed by the disciplinary authority is modified to that of punishment of reduction of pay by one incremental stage for one year without cumulative effect.

Accordingly, the Writ Petition is disposed of modifying the punishment imposed by the disciplinary authority to that of punishment of reduction of pay by one incremental stage for one year without cumulative effect. It is made clear that the above modified punishment is without any monetary benefits. No order as to costs.

Consequently, miscellaneous petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVIL, J

15th December, 2018
cbs



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(disposed of)

15th December, 2018

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