

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.18353 of 2004

ORDER :

This writ petition is filed seeking to issue a writ of Certiorari calling for the records relating to and connected with Order No.P2/1(10)/2004 PLR, dated 03.07.2004, passed by the 2nd respondent and quash the same as illegal and arbitrary with all consequential benefits including salary and arrears.

Heard Sri P.Govinda Rajulu, learned counsel for the petitioner and Sri A.Rama Rao, learned Standing Counsel for respondents.

It has been contended by the petitioner that he was appointed as a Conductor in the respondent-Corporation and he was further promoted as Assistant Depot Clerk. It has been contended by the petitioner that owing to certain ill-health, the petitioner had remained absent, but the said conduct of the petitioner was construed as misconduct and respondents have initiated disciplinary proceedings. After following the procedure, the 2nd respondent had imposed the punishment of withholding of annual increment for a period of six months, which shall not have any effect on future increments. Challenging the same, the present writ petition is filed.

Counsel for petitioner submits that the petitioner had to remain absent owing to ill-health and he had also enclosed the medical certificate to demonstrate before the authorities that he was ill and consequent upon which, he could not attend to duties, but, the respondents have mechanically conducted disciplinary proceedings against the petitioner and imposed the punishment of withholding of annual increment for a

period of six months without cumulative effect. The said action of respondents is illegal and arbitrary and is liable to be set aside.

Learned counsel for respondent-Corporation has submitted that the punishment imposed on the petitioner is a minor punishment and after six months, the petitioner would get back all the benefits. Therefore, no interference is called for in the matter and there are no merits in the writ petition and the same is liable to be dismissed.

Having considered the rival submissions of the parties, this Court is of the considered view that the disciplinary authority has rightly imposed the punishment on the petitioner and considering that the petitioner was ill, the disciplinary authority has taken a lenient view and imposed minor punishment.

In view of above, there are no merits in the writ petition and the same is accordingly dismissed. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

11th December 2018

ajr