

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVIL

WRIT PETITION No.2967 of 2004

ORDER:

This writ petition is filed seeking to issue a writ of mandamus declaring the action of the respondent in imposing two punishments on same charges, 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 Driver in the respondent corporation in the year 1979 and later promoted as ADC in the year 1977. While so, a charge sheet dated 17.04.2002 was issued against him on the allegation that he had beaten one Mr. Mallesh in the presence of mechanical supervisors and other mechanical staff and thereafter he was under suspension. After initiating disciplinary proceedings and after conducting regular departmental enquiry, the respondent corporation closed his muster after raising the suspension and thereafter imposed punishment of reduction of his pay by two incremental stages with cumulative effect vide orders dated 30.04.2003. Challenging the same, the present writ petition is filed.

It has been contended by the learned counsel for the petitioner that the punishment of reduction of pay of the petitioner by two incremental stages with cumulative effect is too harsh. Learned counsel further contended that the disciplinary authority ought to have taken a lenient view and imposed a punishment of reduction of pay by two incremental stages without cumulative effect.

Learned standing counsel for the respondent corporation had contended that the charge framed against the petitioner is very serious in nature and the disciplinary authority had imposed the punishment for the proven misconduct in the enquiry. Learned standing counsel further contended that the writ petition is devoid of merits and the same 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 two incremental stages 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 reduction of pay by two incremental stages without cumulative effect instead of with cumulative effect.

Accordingly, the Writ Petition is disposed of modifying the punishment imposed by the disciplinary authority to that of reduction of pay by two incremental stages 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, shall stand closed.

ABHINAND KUMAR SHAVIL, J

24<sup>th</sup> December, 2018  
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WRITPETITION No.2967 of 2004  
(disposed of)

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