

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 16116 of 2005

ORDER:

This writ petition is filed seeking to issue a writ of mandamus declaring the action of the 1st respondent in imposing the punishment of reduction of pay by two incremental stages with cumulative effect vide proceedings dated 08.01.1998 without conducting regular departmental enquiry, which is confirmed by the 2nd respondent vide order dated 18.03.2004 and the 3rd respondent vide order dated 26.04.2005, as illegal and arbitrary. A consequential direction is also sought to the respondents to pay all the arrears of salary duly fixing the pay taking into account all his increments forthwith.

Heard Sri J.M. Naidu, learned counsel for the petitioner, and Sri N. Vasudeva Reddy, learned standing counsel for the respondents.

It has been contended by the petitioner that he was appointed as Driver in the respondent corporation on 01.09.1987 and while he was discharging his duties during September 1997 he caused an accident. The said incident was construed as misconduct and the disciplinary authority, after initiating disciplinary proceedings and after conducting a regular enquiry and for the proven misconduct in the enquiry, had imposed punishment of reduction of pay by two incremental stages with cumulative effect vide orders dated 08.01.1998. Questioning the same, he unsuccessfully preferred an appeal and a review. Aggrieved thereby, he filed the present writ petition.

Learned counsel for the petitioner has contended that no opportunity was given to the petitioner to prove his innocence in the departmental

enquiry and the disciplinary authority, appellate authority and the reviewing authority had failed to taken into account that it is only one incident in the entire service career of the petitioner and therefore ends of justice would be met if the punishment of reduction of pay by two incremental stages is modified to that of without cumulative effect.

On the other hand, learned standing counsel for the respondents has contended that the petitioner had caused a fatal accident resulting in death of a lady passenger and that the disciplinary authority, appellate authority and the reviewing authority had carefully examined the case of the petitioner and negatived his case and there are no merits in the writ petition and the same is liable to be dismissed.

I have considered the rival submissions made by the learned counsel on either side and perused the record. I am of the considered view that ends of justice would be met, if the punishment of reduction of pay by two incremental stages is modified to that of without cumulative effect, by duly taking into account that it is only one incident in the entire service career of the petitioner.

Accordingly, the writ petition is disposed of and the punishment of reduction of pay by two incremental stages is modified to that of without cumulative effect. However, the petitioner is not entitled for any arrears.

Consequently, miscellaneous petitions, if any, pending in the writ petition shall stand closed. No order as to costs.

ABHINAND KUMAR SHAVILI, J

23rd October, 2018
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Writ Petition No. 16116 of 2005
(disposed of)

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