

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 17247 OF 2004

ORDER :

This writ petition is filed seeking to issue writ of certiorari to call for the records related to and connected with the orders passed by the 1st respondent dated 15.4.2004 as arbitrary, illegal and violative of articles 14 and 16 of the Constitution of India and sought a consequential direction to restore all the service benefits of the petitioner as Driver Gr.II including seniority.

Heard Sri K.Rathanga Pani Reddy, the learned counsel for the petitioner and Sri A.Rama Rao, the learned Standing Counsel for the respondents.

It has been contended by the petitioner that he was initially appointed as Driver and while he was discharging his duties as Driver, he was placed under suspension vide proceedings dated 27.09.2003 on the alleged ground that the petitioner had left the quarters without obtaining prior permission and also that the petitioner has assaulted his superior officers. The disciplinary authority has construed the same as a misconduct and having initiated disciplinary proceedings and after conducting a detailed enquiry had imposed a punishment of removal for the proven misconduct in the enquiry, vide orders dated 8.12.2003. Thereafter, the petitioner had preferred an appeal to the appellate

authorities unsuccessfully and thereafter the petitioner had preferred a review before the reviewing authority. The reviewing authority, vide proceedings dated 15.4.2004 was pleased to consider the review petition filed by the petitioner and directed that the petitioner be reinstated into service. However, as a measure of punishment, the pay of the petitioner was reduced to the minimum time scale of Driver Gr.II, which will have permanent effect on his future increments. Challenging the same, the present writ petition is filed.

The learned counsel for the petitioner submits that the reviewing authority has modified the punishment of removal to that of the pay of the petitioner has been fixed at the minimum time scale of pay of Driver Gr.II with permanent effect on his future increments. The said punishment is too harsh and not as per regulations of the respondent-corporation and contends that the punishment of reduction of Pay at the minimum time scale of Driver Gr.II with permanent effect be modified to that of without permanent effect and contended that appropriate orders may be passed to that effect.

The Standing Counsel for the respondents contended that the reviewing authority has taken a lenient view and modified the punishment of removal to that of reduction to a minimum time scale of Pay with permanent effect on his future increments is nothing but with cumulative effect and contends that the reviewing authority has rightly

passed orders and no further interference is called for. There are no merits in the writ petition and the writ petition is liable to be dismissed.

This Court, having considered the rival submissions made by the parties, is of the considered view that the reviewing authority had imposed the punishment of reduction of pay scale to the petitioner at the minimum time scale of pay of Driver Gr. II with permanent effect on his future increments is too harsh. The ends of justice would be met, if the punishment imposed by the reviewing authority, is modified to that of reduction of pay of the petitioner to the minimum time scale of pay as Driver Gr.II without having any permanent effect on his future increments. It is needless to say that the petitioner will be earning increments from the date of his reinstatement.

With this observation, the Writ Petition is disposed of.

The Miscellaneous Petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

19th December, 2018

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