

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.22871 OF 2002

ORDER :

This writ petition is filed seeking a writ of mandamus, declaring the Proceedings No. Peshi/19(142)/99-RM:KRMR, dated 7.2.2000, passed by the 2nd respondent herein in so far as postponing the petitioner annual increment for a period of one year which shall have its effect on his future increments, besides treating the out of service period as not on duty, for all the purposes as illegal, arbitrary, and consequently direct the respondents to add deferred increment to the pay of the petitioner.

2. Heard Sri P.Govinda Rajulu, the counsel for the petitioner and Smt.Danda Radhika, the Standing Counsel for the respondent-Corporation.

3. It has been contended by the petitioner that he was appointed as Conductor in the respondent-Corporation. While he was discharging his duties as Conductor, the respondent-Corporation had issued a Show Cause Notice on 15.04.1999 alleging that he was unauthorisedly absent from January, 1998 to November, 1990 (Total 76 days). The respondent-Corporation construed the said act of the petitioner as misconduct and initiated disciplinary proceedings. After conducting regular departmental enquiry, he was removed from service vide orders dated 07.05.1999 for the proven misconduct. The petitioner had preferred an appeal to the 2nd respondent and the same was rejected. Thereafter, the petitioner preferred Revision to the 2nd respondent and the 2nd respondent vide Proceedings No. Peshi/19(142)/99-RM:KRMR, dated 7.2.2000, ordered for reinstatement of the petitioner; however, postponing his annual increment for a period of one

year which shall have its effect on his future increments. Challenging the same, the present writ petition is filed.

4. It has been contended by the learned counsel for the petitioner that the punishment of postponing the annual increment for a period of one year with cumulative effect, is too harsh. It is further contended that the revisional authority ought to have taken a lenient view and imposed the punishment of reduction of pay by one incremental stage for a period of one year without cumulative effect.

5. The Standing Counsel for the respondent-Corporation had contended that the disciplinary authority had imposed the punishment of removal for the proven misconduct in the enquiry. He further contended that the revisional authority had taken a lenient view and no further lenient view can be taken and the writ petition is liable to be dismissed.

6. This Court, having considered the submissions made by both the parties, is of the considered view that the revisional authority ought to have imposed the punishment of reduction of pay by one incremental stage for a period of one year without cumulative effect instead of with cumulative effect. Therefore, ends of justice would be met if the punishment imposed by the revisional authority is modified to that of reduction of pay by one incremental stage for a period of one year without cumulative effect, instead of with cumulative effect.

7. Accordingly, the writ petition is disposed of, modifying the punishment imposed by the revisional authority to that of reduction of pay by one incremental stage for a period of one year 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, stand closed.

ABHINAND KUMAR SHAVILI, J

Date: 29.10.2018

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