

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.14173 OF 2007

ORDER

This writ petition is filed seeking for the following relief:

“.... to issue a writ or order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in imposing the modified punishment of reduction of payment by two incremental stages with cumulative effect and treating the period from date of removal to reinstatement as not on duty as bad, arbitrary, unjust and unreasonable by setting aside the Proc.No.M1/20(51)/03-DVM, NGKL, dated 1.6.2004 of R2 herein insofar as the extent of balance punishment only of the respondent No.2 and consequential order dt.21-04-2005 of respondent No.1 herein and pass such other order or orders.”

Heard Sri P.Venkateswara Rao, learned counsel appearing for the petitioner and Sri B.Mayur Reddy, learned Standing Counsel appearing for the respondent-Corporation.

It is the case of the petitioner that he was appointed as a Mechanic in the respondent-Corporation. While so, due to his ill health and domestic problems, he was absented to his duties in the month of April, 2003. This incident was construed as misconduct, the respondent-Corporation initiated disciplinary proceedings against the petitioner and after conducting enquiry, imposed the punishment of removal from service *vide* order dated 10-07-2003. Aggrieved by the same, the petitioner preferred an appeal before the appellate

authority. The appellate authority *vide* order dated 1.6.2004 set aside the punishment of removal from service to that of reduction of pay by two incremental stages with cumulative effect and treated the period from the date of removal to the date of reinstatement as 'not on duty'. Challenging the same, the present writ petition is filed.

Learned counsel appearing for the petitioner submits that while modifying the punishment imposed by the disciplinary authority, the appellate authority ought not to have imposed another major punishment and that the order passed by the appellate authority is liable to be set aside.

Learned Standing Counsel appearing for the respondent-Corporation submits that the appellate authority has taken a lenient view and modified the punishment of removal; that no further leniency can be shown in favour of the petitioner and that no interference is called for by this Court and the writ petition is liable to be dismissed.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the considered view that the appellate authority has rightly modified the punishment of removal to that of reduction of pay by two incremental stages with cumulative effect by taking a lenient view. In view of the same, this Court cannot interfere with the

order passed by the appellate authority. There are no merits in the writ petition and the writ petition is liable to be dismissed.

Accordingly, the Writ Petition is dismissed. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

27th September, 2018

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