

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P. No.14406 of 2007ORDER:

This writ petition is filed seeking the following relief:

“To declare the office order No. E2/ 1(41)/ 04-VDP dated 10.05.2005 passed by the 3rd respondent in imposing major punishment of deferment of petitioner annual increments for a period of one year which shall have an effect on the future increments and proceedings No. PA/ 19(78) 2005-DVM, dated 05.08.2005 passed by the 2nd respondent in conforming the 3rd respondent order, as illegal and arbitrary and set aside the same with all consequential benefits including arrears of pay.”

2. Heard Sri P.Govindarajulu, the counsel for the petitioner and Sri B.Mayur Reddy, Standing Counsel for the Respondent-Corporation.

3. It has been contended by the petitioner that he was appointed as Conductor, and while he was discharging duties as such, the respondent-Corporation issued a charge sheet on 25.05.2004, alleging that he absented himself from duty from 11.05.2004, and the said act was constructed as misconduct and conducted regular departmental enquiry and after conducting regular departmental enquiry, a major penalty of deferment of annual increments for a period of one year with cumulative effect was imposed on the petitioner, vide orders dated 10.05.2005 for the proven misconduct. The petitioner had preferred an appeal and the same was dismissed. 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 deferment of annual increments for a period of one year with cumulative effect is too harsh. Learned counsel further contended that the appellate authority ought to have taken a lenient

view and imposed a punishment of deferment of annual increments for a period of one year without cumulative effect.

5. The Standing Counsel appearing for the respondent-Corporation had contended that the disciplinary authority had imposed the punishment of deferment of annual increments for a period of one year with cumulative effect for the proven misconduct in the enquiry. Learned Standing Counsel further contended that the appellate 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 the parties, is of the considered view that the appellate authority ought to have imposed a punishment of deferment of annual increments 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 appellate authority is modified to that of deferment of annual increments 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 appellate authority to that of deferment of annual increments for a period of one year without cumulative effect. It is made clear that the above modified punishment is without any monetary benefits. There shall be no order as to costs. Miscellaneous petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

Date: 30.10.2018
DMG

