

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 18403 of 2005

O R D E R:

The case of the petitioner is that he was appointed as Conductor on 01.08.1980 in respondent-Corporation. Alleging that the petitioner unauthorisedly absented from duty from 19.04.1998 onwards, respondent authorities issued a charge sheet dated 28.04.1998 for which he submitted his explanation on 04.06.1998. A show cause notice dated 24.09.2000 was issued by respondent No.3 followed by final order dated 04.10.2001 directing to postpone the annual increment for a period of one year which shall have effect on future increments of petitioner. The appeal preferred by petitioner was rejected by the appellate authority by proceedings dated 14.02.2002. Hence, petitioner filed the present writ petition seeking remedy under Article 226 of the constitution of India.

Heard learned counsel for petitioner and learned Standing Counsel appearing for respondent-Corporation.

At the time of arguments, learned counsel for petitioner submits that the punishment imposed on the petitioner is not proportionate to the alleged charges and prayed to modify the punishment of postponement of annual increment without cumulative effect.

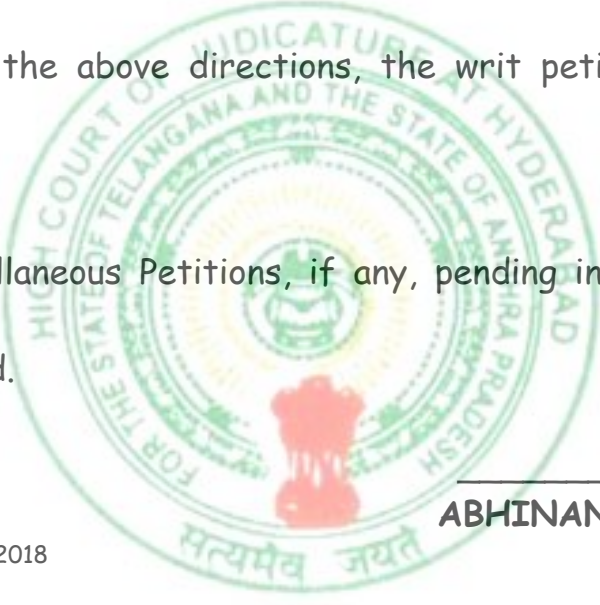
Learned Standing Counsel appearing for respondent-Corporation submits that the Corporation had already taken a lenient view and imposed lesser punishment to the petitioner and hence, petitioner is not entitled for further lenient view.

Having considered the rival submissions of both the counsel, this Court is of the view that ends of justice would be met if punishment of postponement of one annual grade increment with cumulative effect is modified to that of without cumulative effect.

With the above directions, the writ petition is disposed of. No costs.

Miscellaneous Petitions, if any, pending in this writ Petition shall stand closed.

08th November, 2018
Mjl/*

ABHINAND KUMAR SHAVILI, J