

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.17707 of 2002

ORDER:

This writ petition is filed seeking to issue a writ of mandamus declaring the proceedings dated 26.03.2001 issued by the 2nd respondent as illegal and arbitrary.

Heard Sri A.K.Jayaprakash Rao, learned counsel for the petitioner and learned standing counsel for the respondent corporation.

It has been contended by the petitioner that he was appointed as Driver in the respondent corporation on 01.09.1988. On 23.12.1996 he was conducting a bus on the route Sangareddy-Yadagirigutta and when was intending to stop the bus on the stage, a scooterist, who was coming from opposite direction in a rash and negligent manner dashed the bus, resulting in injuries to him. The said incident was construed as misconduct and after initiating disciplinary proceedings and after conducting regular departmental enquiry, the disciplinary authority imposed punishment of reduction of pay by two incremental stages with cumulative effect vide orders dated 04.03.1998. Aggrieved thereby, he unsuccessfully preferred an appeal and thereafter filed a review before the 2nd respondent-reviewing authority and the reviewing authority reduced the punishment by one incremental stage with cumulative effect vide orders dated 26.03.2001. The same is challenged in this writ petition.

It has been contended by the learned counsel for the petitioner that the revisional authority ought to have modified the

punishment of reduction of pay by one incremental stage with cumulative effect to that of without cumulative effect.

Learned standing counsel for the respondent corporation had contended that the charges framed against the petitioner are very serious in nature and the disciplinary authority had imposed the punishment of reduction of pay by two incremental stages with cumulative effect for the proven misconduct in the enquiry. Learned standing counsel 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.

This Court having considered the submissions made by both the parties is of the considered view that the revisional authority ought to have modified the punishment of reduction of pay by one incremental stage with cumulative effect to that of without 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 without cumulative effect.

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 without cumulative effect. It is made clear that the above modified punishment is without any monetary benefits. No order as to costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVIL, J

13th December, 2018
cbs

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(disposed of)

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