

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 13955 OF 2005

ORDER :

When the matter is taken up for hearing, it is seen that the petitioner is challenging the orders dated 29.10.2004, reinstating the petitioner as a fresh Driver by modifying the orders of removal.

The learned counsel for the petitioner contends that the reviewing authority can impose only one of the punishments set out in the regulations. But the reviewing authority cannot impose any other punishment that has not been set out in the regulations. The learned counsel for the petitioner further contends that the issue raised in the W.P. is squarely covered by a judgment rendered by this Court reported in K.C.Narayana Vs. Managing Director, APSRTC¹, wherein this Hon'ble Court has held that the reviewing authority cannot impose any other punishment which is not set out in the regulations and remanded the matter back to the reviewing authority to pass fresh orders and impose any other punishment lesser than that of the removal and contends that appropriate orders may be passed in this writ petition by remanding the matter to reviewing authority for fresh consideration to impose any other punishment, as set out in the regulations, with an observation that a lesser punishment is may be imposed than that of the removal.

¹ 2007 (5) ALD 416

The learned Standing Counsel, appearing for the respondents has also not disputed the same about the proposition of law laid down by this Hon'ble High Court.

In view of the above said submission, this Court is of the considered view that this writ petition can be disposed of remanding the matter back to the reviewing authority for fresh consideration with an observation that the reviewing authority shall impose a punishment lesser than that of removal and pass appropriate orders in four weeks from the date of receipt of a copy of this order.

With this observation, the writ petition is disposed of.

Miscellaneous Petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

21st December, 2018

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