

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.28183 OF 2007

ORDER

1. This writ petition is filed seeking the following relief:

“.... to issue an order, direction or writ more particularly one in the nature of Writ of Mandamus declaring the proceedings of the 3rd respondent O2/95(06)/07-DVK, dated 26.10.2007 in imposing punishment of deferment of annual increment and treating the period of suspension of the petitioner as ‘Not on Duty’ as illegal, arbitrary and unjust, and consequently, to set aside the same by granting increments and treating the period of suspension as ‘On Duty’ and pass such other order or orders as this Hon’ble Court may deem fit and proper under the circumstances of the case.”

2. Heard Sri G. Ravi Mohan, learned Counsel for the petitioner and Smt. B.G. Uma Devi, learned Standing Counsel for the respondents.

3. It is the case of the petitioner that he was appointed as conductor in the respondent-Corporation in the year 1987, and he was discharging his duties as such. While so, on 28.2.2007, the checking officials conducted check and alleged that the petitioner committed cash and ticket irregularities. The disciplinary authority construed the alleged irregularities as misconduct. The disciplinary authority, after conducting enquiry, and for the proven misconduct, imposed punishment of

deferment of annual increment for a period of one year with cumulative effect besides treating the suspension period as 'Not on duty'. Challenging the same, the petitioner filed appeal. But there was no response from the appellate authority. Hence, the present writ petition is filed.

4. Learned Counsel for the petitioner contends that without giving any opportunity to the petitioner, the disciplinary authority imposed punishment of deferment of annual increment for a period of one year with cumulative effect and it ought not to have imposed such punishment and it ought not have directed to treat the period of suspension as 'Not on duty'.

5. Learned Standing Counsel for the respondent-Corporation contends that the disciplinary authority had already taken a lenient view and imposed the punishment of deferment of annual increment of a period of one year while directing to treat the period of suspension as not on duty, and hence, no interference is called for by this Court.

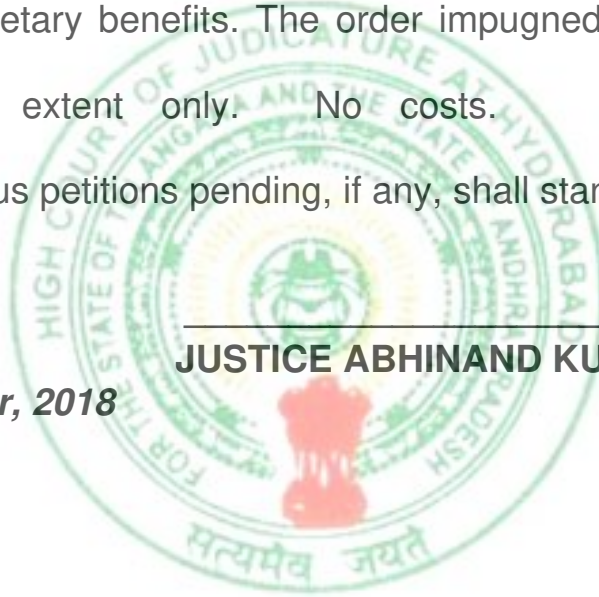
6. Having considered the rival submissions made by the learned Counsel on either side, this Court is of the considered view that the disciplinary authority ought not to have imposed the punishment of deferment of annual increment for a period of one year with cumulative effect. Therefore, this Court feels that ends of justice would be met if the punishment of deferment of

annual increment for a period of one year with cumulative effect is modified to that of deferment of annual increment for a period of one year without cumulative effect.

7. Accordingly, the Writ Petition is disposed of modifying the punishment of deferment of annual increment for a period of one year with cumulative effect, imposed by the disciplinary authority on the petitioner, to that of deferment of annual increment for a period of one year without cumulative effect and without monetary benefits. The order impugned is modified to the above extent only. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

25th October, 2018
Nn

JUSTICE ABHINAND KUMAR SHAVILI



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25.10.2018

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