

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P. No.25828 of 2007ORDER:

This writ petition is filed seeking the following relief:

“To declare the proceedings No. PA/ 20(140)/ 2001-RM-T dated 24.01.2002 passed by the 2nd respondent herein as illegal and arbitrary and set aside the same in so far against to the petitioner in denying the continuity of service and reduction of pay of the petitioner by two incremental stages for a period of two years with cumulative effect and further direct the respondents herein to grant all consequential benefits including continuity of service, two annual increments and back wages.”

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 in the year 1988, and while he was discharging duties as such, the respondent-Corporation issued a charge sheet on 05.03.2001, alleging cash and ticketing irregularities, and the said act was constructed as misconduct and conducted regular departmental enquiry and after conducting regular departmental enquiry, he was removed from service, vide orders dated 15.06.2001 for the proven misconduct. The petitioner had preferred an appeal and the 2nd respondent, vide order dated 24.01.2002, modified the punishment to that of reduction of his pay by two incremental stages for a period of two years with cumulative effect. Challenging the same, the present writ petition is filed.

4. It has been contended by the learned counsel for the petitioner that the modified punishment of removal to that of reduction of pay of the petitioner by two incremental stages for a period of two years 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 reduction of pay by two incremental stages for a period of two years without cumulative effect.

5. The Standing Counsel appearing for the respondent-Corporation had contended that the disciplinary authority had imposed the punishment of removal 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 reduction of pay by two incremental stages for a period of two years 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 reduction of pay by two incremental stages for a period of two years 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 reduction of pay by two incremental stages for a period of two years 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

