

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.12414 OF 2003

ORDER:

1. This Writ Petition is filed seeking the following relief:

“For the reasons stated in the accompanying affidavit the petitioner prays that this Hon'ble court may be pleased to call for the records in respect of impugned proceedings No.Peshi/675(4).2002-RM:NZB dated 14.02.2002 and issue an appropriate writ or direction particularly one in the nature of WRIT OF CERTIORARI and quash the above impugned proceedings in not granting the relief as arbitrary, unjust, and in violation of Art. 14, 16 & 21 of Constitution of India and consequently direct the respondents to restore the deferred increments along its benefits duly treating the suspension period as on duty with wages in the interest of justice and fair play.”

2. Heard Sri V.Nrasimha Goud, learned counsel for the petitioner, and Sri K.Harinath, learned Standing Counsel, appearing for the respondents - Corporation.

3. It has been contended by the petitioner that he was appointed as Driver in the respondent corporation on 17.04.1995. While the petitioner was discharging his duties on 29.09.1999, the respondent corporation had issued a charge sheet alleging that he unauthorizedly operated the bus bearing No. AP10Z 609, did not attend to the chartered duty in spite of instructions, and as such deliberately violated the instructions of his superiors, which resulted in cancellation of total service of 192 KMs causing inconvenience to the travelling public including a loss of Rs.1,920/- to the corporation, which act of the petitioner was construed as misconduct and after conducting regular departmental enquiry, the 2nd respondent *vide* orders dated 15.12.1999 imposed the punishment of reduction of pay of the petitioner by one incremental stage for a period of

two years with cumulative effect, for his proven misconduct. The petitioner had preferred an appeal and the same was dismissed. Thereafter, the petitioner had preferred revision before the 1st respondent-Regional Manager, Nizamabad Region, APSRTC, and the 1st respondent *vide* orders dated 14.02.2002 had rejected the same. Challenging the same, the present writ petition is filed.

4. It has been contended by the learned counsel for the petitioner that the punishment of reduction of pay of the petitioner by one incremental stage for a period of two years with cumulative effect is too harsh. Learned counsel further contended that the revisional authority ought to have taken a lenient view and modified the punishment of reduction of pay by one incremental stage for a period of two years without cumulative effect.

5. 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 of the petitioner by one incremental stage for a period of two years with cumulative effect for the proven misconduct in the enquiry. Learned standing counsel further contended that the revisional authority had rightly rejected the said revision and therefore no interference is called for and the writ petition is liable to be dismissed.

6. This Court, having considered the rival submissions made by the parties, is of the considered view that the revisional authority ought to have modified the punishment of reduction of pay of the petitioner by one incremental stage for a period of two years without cumulative instead of with cumulative effect. Therefore, ends of justice would be met if the punishment imposed by the 1st respondent and confirmed by the 2nd

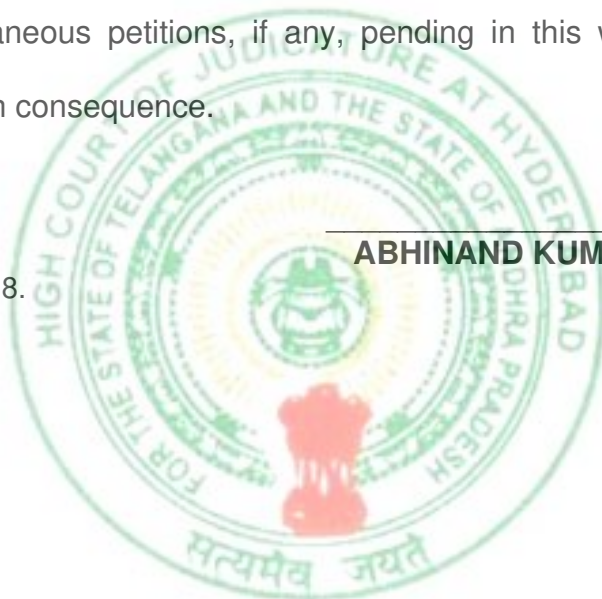
respondent is modified to that of reduction of pay of the petitioner by one incremental stage for a period of two years without cumulative effect instead of with cumulative effect.

7. Accordingly, the Writ Petition is disposed of modifying the punishment imposed by the 1st respondent and confirmed by the 2nd respondent to that of reduction of pay of the petitioner by one incremental stage for a period of two years without cumulative effect. It is made clear that the above modified punishment is without any monetary benefits. No order as to costs.

8. Miscellaneous petitions, if any, pending in this writ petition shall stand closed in consequence.

Date: 18.12.2018.
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ABHINAND KUMAR SHAVILI, J



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Date. 18.12.2018

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