

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P. No.25967 of 2007

ORDER:

This writ petition is filed seeking to issue a writ of mandamus, declaring the proceedings No. PA/19(143)/2003-DVM-KR, dated 29-9-2003 of the 2nd respondent herein as illegal and arbitrary and set aside the same in so far as 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 etc.

2. Heard Sri. P.Govinda Rajulu, the learned counsel for the petitioner and Sri A.Ravi Babu, learned Standing Counsel for TSRTC.

3. It has been contended by the petitioner that he was appointed as Conductor in the 1st respondent-Corporation in the year 1989 and his services were regularized in the year 1989. While he was discharging his duties as Conductor, the Depot Manager had issued a charge sheet and also issued a show cause notice and finally passed proceedings removing him from service alleging that he was unauthorisedly absent from 10-01-2003 to 11-02-2003 and the said act of the petitioner was construed as misconduct. After conducting regular departmental enquiry, he was removed from service vide orders dated 17.3.2003 for the proven misconduct. The petitioner had preferred an appeal. The

respondents-corporation ordered for reinstatement of the petitioner; however, imposed the punishment of reduction of his pay by Two (2) incremental stages, for a period of two (2) years, which shall have its effect on his future increments. Challenging the same, the present writ petition is filed.

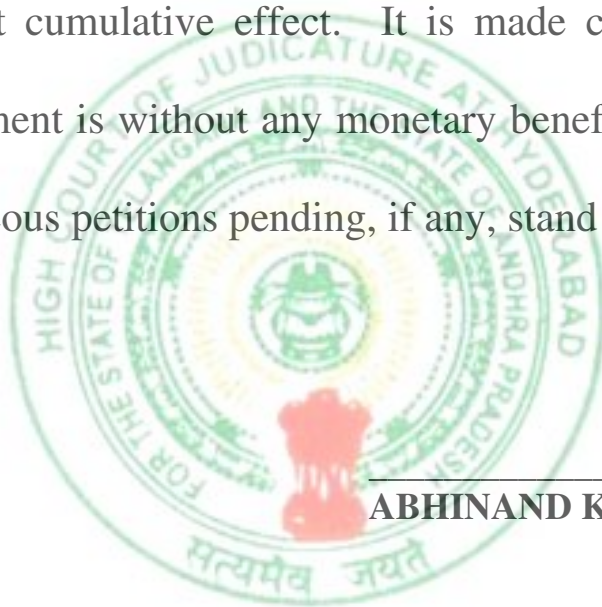
4. It has been contended by the counsel for the petitioner that the punishment of reduction of his pay by Two (2) incremental stages, for a period of two (2) years, which shall have its effect on his future increments, is too harsh. It is further contended that the appellate authority ought to have taken a lenient view and imposed the punishment of reduction of his pay by Two (2) incremental stages, for a period of two (2) years without cumulative effect.

5. The Standing Counsel for the respondents-Corporation had contended that the disciplinary authority had imposed the punishment of reduction of his pay by Two (2) incremental stages, for a period of two (2) years, which shall have its effect on his future increments, for the proven misconduct in the enquiry. He 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 both the parties, is of the considered view that the appellate authority ought to have imposed the punishment of reduction of his pay by Two (2) incremental stages, for a period of two (2) years without cumulative

effect, instead of with cumulative effect. Therefore, ends of justice would be met, if the punishment imposed by the appellate authority i.e., the punishment of reduction of his pay by Two (2) incremental stages, for a period of two (2) years is modified as 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 punishment of reduction of his pay by Two (2) incremental stages, for a period of two (2) years without cumulative effect. It is made clear that the above modified punishment is without any monetary benefits. No order as to costs. Miscellaneous petitions pending, if any, stand closed.



ABHINAND KUMAR SHAVILI, J

Date: 23.11.2018

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