

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.25985 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 issue an appropriate writ or direction particularly one in the nature of writ of Certiorari and quash the impugned punishment passed vide proceedings No.02/95(50)/01-DVK, dated 15.4.2002 by the 2nd respondent as confirmed by the 1st respondent vide his proceedings No.PA/21(23)/03-RM, Nalgonda dated 17.7.2003 as unjust, arbitrary and in violation of Articles 14, 16 and 21 of the Constitution of India, and consequently, direct the respondents to restore the deferred increments along with all consequential benefits including full wages during the suspension period, in the interest of justice and fair play.”

2. Heard Sri V. Narsimha Goud, learned counsel for the petitioner and Sri A. Ravi Babu,, learned standing counsel for the respondent corporation.

3. It has been contended by the petitioner that he was appointed as conductor in the respondent Corporation on 2.4.1989, and while he was discharging his duties, on 10.9.1991 the checking officials conducted check and alleged that the petitioner committed certain irregularities. It has been contended by the petitioner that basing on the report of the checking officials, the respondent corporation initiated

disciplinary proceedings against him and conducted regular departmental enquiry, and after completion of the regular departmental enquiry, the 2nd respondent imposed punishment of deferment of annual increment for a period of two years with cumulative effect besides treating the suspension period as not on duty, and that the petitioner was unsuccessful in the appeal and review filed by him. Aggrieved by the same, the present writ petition is filed.

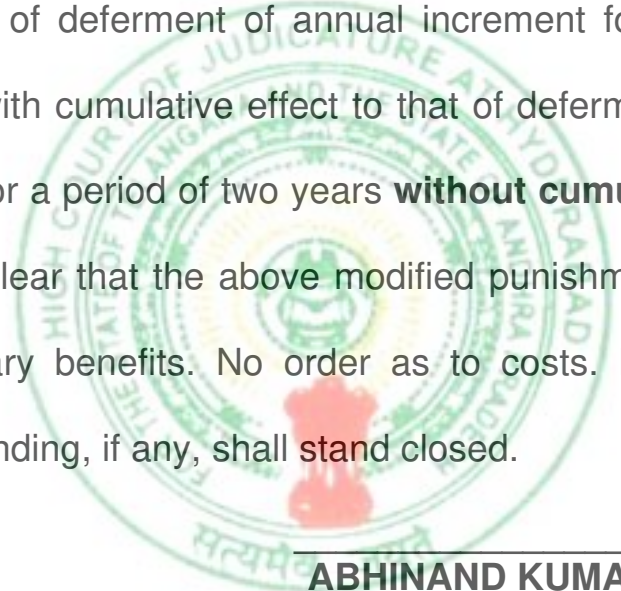
4. It has been contended by the learned Counsel for the petitioner that the punishment imposed by the 2nd respondent and confirmed by the 1st respondent, is too harsh and the respondents ought to have taken a lenient view and imposed punishment of deferment of annual increment for a period of two years without cumulative effect.

5. Learned Standing Counsel for the respondent corporation contended that the charge framed against the petitioner is serious in nature and that the respondents imposed the punishment under the proceedings impugned for the proven misconduct in the enquiry by taking 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 respondents

ought to have imposed the punishment of deferment of annual increment 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 respondents is modified to that of deferment annual increment 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 of deferment of annual increment for a period of two years with cumulative effect to that of deferment of annual increment 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. Miscellaneous petitions pending, if any, shall stand closed.



ABHINAND KUMAR SHAVILI, J

Date: 18/12/2018
Nn.

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.25985 of 2003



18.12.2018

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