

THE HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.20761 of 2002

ORDER

This writ petition is filed seeking a writ of mandamus declaring the action of the 3rd respondent in imposing punishment of stoppage of two increments with cumulative effect vide proceedings dated 15.11.1991, which was confirmed by the 2nd respondent vide proceedings dated 21.09.2001, as illegal and arbitrary and sought for a consequential direction to declare that the petitioner is entitled for all benefits.

2. Heard Sri P. Govindarajulu, learned counsel for the petitioner and Sri P. Durga Prasad, learned Standing Counsel for the respondent Corporation.

3. Learned counsel for the petitioner contended that the petitioner was initially appointed as driver in the Corporation and while discharging his duties, a charge memo was issued to him on 20.09.1991 alleging that he allowed 4 bundles of curry leaves at Mangalagiri to Raichur without notice of the conductor of the bus and after initiating disciplinary proceedings, the Corporation had imposed the punishment of stoppage of two increments with cumulative effect vide order dated 15.11.1991, which was confirmed by the appellate authority. He contended that while imposing the said punishment, the respondents have not conducted any enquiry, but passed the order based upon the explanation submitted by the petitioner.

4. The issue raised by the learned counsel for the petitioner is no more *res integra* since the same was decided by the Apex Court in **Kulwant Singh Gill v. State of Pubjab**¹, wherein it was held that punishment of stoppage of increments with cumulative effect cannot be imposed without conducting any enquiry.

5. Having considered the said submissions, this Court is of the considered view that the action of the respondents in imposing the punishment of stoppage of increments with cumulative effect without conducting enquiry is arbitrary and illegal, in view of the judgment of the Apex Court in **Kulwant Singh Gill's** case, referred supra, and accordingly, the punishment order dated 15.11.1991 as confirmed by the appellate authority vide order dated 21.09.2001 are liable to be set aside.

6. Accordingly, the Writ Petition is allowed setting aside the orders dated 15.11.1991 and 21.09.2001 passed by the 3rd and 2nd respondents respectively. No order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

ABHINAND KUMAR SHAVILI, J

13th August, 2018

sj

¹ 1991 SCC Supl. (1) 504