

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.20089 of 2009

ORDER:

This writ petition is filed seeking the following relief:

“For the reasons stated in the accompanying affidavit the petitioner herein prays that this Hon'ble Court may be pleased to issue a writ, order or directions more in the nature of writ of Mandamus declaring the proceedings of the 2nd respondent No.PA/19(21)/08-RM(MB) dt.22.7.2008 insofar as against to the petitioner in reduction of pay by two incremental stages for a period of two years with cumulative effect and denial of continuity of service and other benefits as illegal, arbitrary and contrary to the facts of the case and further direct the respondents herein to grant all benefits including two reduced increments with continuity of service and attendant benefits, arrears and back wages and pass such other order or orders in the interest of justice as otherwise the petitioner may suffer irreparable loss and hardship.”

Heard Si P.Govinda Rajulu, learned counsel for the petitioner and Si B.Mayur Reddy,, learned standing counsel for the respondent corporation.

It has been contended by the petitioner that he was appointed as Driver in the respondent corporation in the year 1996. While he was discharging his duties on 2.1.2007 at Nagar Kurnool depot, the respondent corporation had issued a charge sheet alleging that the vehicle bearing No.AP 10Z 7469 was driven by him in rash and negligent manner, which caused accident at Telkapally

with a cycle and the said act of the petitioner was construed as misconduct and conducted regular departmental enquiry and after conducting regular departmental enquiry, he was removed from service vide orders dated 10.7.2007 for the proven misconduct. The petitioner had preferred an appeal and the same was dismissed. Thereafter, the petitioner had preferred revision before the 2nd respondent-Regional Manager, APSRTC and the 2nd respondent vide orders dated 22.7.2008 had modified the punishment of removal 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.

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 revisional 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.

Learned standing counsel for the respondent corporation had contended that the charge framed against the petitioner is very serious in nature and the disciplinary authority had imposed the punishment of removal for the proven misconduct in the enquiry. Learned standing counsel further contended that the revisional authority had taken a lenient view and no further lenient view can be taken and the writ petition is liable to be dismissed.

This Court having considered the submissions made by both the parties is of the considered view that revisional authority ought to have imposed 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 revisional 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.

Accordingly, the Writ Petition is disposed of modifying the punishment imposed by the revisional 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. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

Date: 03/ 10/ 2018
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ABHINAND KUMAR SHAVILI, J

