

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.16933 of 2003

ORDER:

This writ petition is filed seeking the following relief:

“For the reasons set-out in the accompanying Affidavit, it is prayed that this Hon’ble Court may be pleased to call for the records from the respondents and issue an appropriate Writ, Order or Direction, particularly one in the nature of Writ of Mandamus, declaring that the order passed by the 4th respondent in proceedings No.P2/2(4)/2000-NRPT, dated 27.10.2000 and confirmed by the 3rd respondent in proceedings No.M1/20(48)/00-DVM:NGKL, dated 2-5-2002 and further confirmed by the 2nd respondent in proceedings No.PA/19(16)/02-RM(MB), dated 20-7-2002 as illegal, unjust, contrary to law, in violation of principles of natural justice and violative of Articles 14, 16 and 21 of the Constitution of India; and grant all consequential benefits, and pass such other order or orders as deemed fit and proper under the circumstances of the case”.

Heard Sri A.K.Jayaprakash Rao, the learned Counsel for the petitioner and Smt.B.Uma Devi, the learned Standing Counsel for the respondent-corporation.

It has been contended by the petitioner that he joined the service of the respondent-corporation as Cleaner on 1-7-1991 in Devarkonda Depot and thereafter, transferred in the year 1995 to Mahabubnagar Region. He was promoted as Mechanic in the year 1999 and posted to work under the control of 4th respondent. While he was discharging his duties under the 4th respondent, a charge sheet dated 7-8-2000 was issued alleging that he failed to carryout the Scheduled-I maintenance of vehicle No.3836 properly on

25-7-2000 and further alleged that for having shown gross negligence and slackness in maintenance of vehicle during Schedule-I and failed to check the correct position of shackle pin. He submitted his explanation, denying the allegations. He contends that there was no complaint about shackle pin and the said act of the petitioner was construed as misconduct and conducted regular departmental enquiry, and after conducting regular departmental enquiry imposed the punishment of deferment of annual increment for a period of one year with cumulative effect and treating the period of suspension as 'not on duty'. The petitioner had preferred appeal and review. Both were rejected. 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 deferment of annual increment for a period of one year with cumulative effect and treating the period of suspension as 'not on duty' is too harsh. Learned counsel further contended that the revisional authority ought to have taken a lenient view and imposed a punishment of deferment of annual increment for a period of one year, 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 deferment of annual increment for a period of one year with cumulative effect and treating the period of suspension as 'not on duty' 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 the revisional authority ought to have imposed the punishment of deferment of annual increment for a period of one year 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 punishment of deferment of annual increment for a period of one year 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 deferment of annual increment for a period of one year, without cumulative effect, instead of with 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: 17/12/2018

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