

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P. No.23886 of 2005ORDER:

This writ petition is filed seeking to issue a writ of mandamus declaring the proceedings dated 20.7.1993 and office order dated 10.7.1989 as illegal and arbitrary and set aside the same with all consequential benefits including arrears.

Heard the learned counsel for the petitioner and Sri B.Mayur Reddy, the learned Standing Counsel for the respondents.

It has been contended by the petitioner that he was working as Driver in the respondents-corporation. While so, on the allegation of rash and negligent driving on 16.11.1989, the respondents-corporation issued a charge sheet on 26.5.1989 for which he submitted explanation. He filed appeal and the same was rejected. Dissatisfied with his explanation, the respondents-corporation, without conducting any enquiry, imposed major punishment of withholding his annual increment for a period of 18 months which shall have an effect on his future increments, vide order dated 20-07-1993. The same is challenged in this writ petition.

Learned counsel for the petitioner has contended that the action of the respondents-corporation in imposing the major punishment, without conducting any enquiry, is contrary to the law

laid down by the Hon'ble Apex Court in *Kulwant Singh Gill Vs. State of Punjab*¹.

Learned standing counsel for the respondents-corporation has not disputed the said proposition of law.

Having considered the submissions made by the learned counsel on either side and perusing the record as well as the judgment (cited supra) relied on by the learned counsel for the petitioner, this Court is of the considered view that the respondents-corporation cannot impose a major punishment of withholding annual increment of petitioner for a period of 18 months which shall have an effect on his future increments, without conducting any enquiry. Therefore, ends of justice would be met, if the punishment of withholding annual increment of petitioner for a period of 18 months with effect on his future increments, is modified to that of without cumulative effect and without any monetary benefits.

Accordingly, the writ petition is disposed of and the impugned order of punishment of withholding annual increment of petitioner for a period of 18 months with effect on his future increments is modified to that of without cumulative effect and without any monetary benefits. It is needless to say that after

¹ 1990 (2) SCALE 597

currency of punishment of 18 months, the withheld increment will be released to the petitioner with all consequential benefits. Consequently, miscellaneous applications, if any, pending in the writ petition shall stand closed.

ABHINAND KUMAR SHAVILI, J

23rd November, 2018

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