

**HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI**

**WRIT PETITION No.15786 of 2005**

**ORDER:**

This Writ Petition is filed declaring the action of the 3<sup>rd</sup> respondent in imposing punishment of reducing the pay from Rs.5335/- to Rs.5095/- without conducting any proper enquiry and without there being any finding by the criminal court, vide Proc.No.3/95(33)/2002-Kushaiguda, dated 12.06.2002, and the action of the Appellate authority vide Proc. dated 07.08.2003, in confirming the same as illegal.

It has been contended by the petitioner that he was appointed as Driver in the 3<sup>rd</sup> Respondent Corporation. While he was discharging his duties, the Respondent corporation had issued a charge sheet as per the procedure prescribed vide circular No.PD-43/86, dated 16.04.1986, alleging that the petitioner drove the vehicle in rash and negligent manner and caused accident and thereby one lady pedestrian, who was standing on the right side of the road, sustained grievous injuries and the said act of the petitioner was construed as misconduct and regular departmental enquiry was conducted, and after conducting the enquiry, the Disciplinary Authority imposed a punishment of reduction of pay by two incremental stages permanently from Rs.5335/- to Rs.5095/- . Aggrieved by the said punishment, the petitioner preferred an Appeal and it was rejected. Challenging the same, the present writ petition is filed.

It has been contended by the learned counsel for the petitioner that the punishment of reduction of pay by two incremental stages permanently from Rs.5335/- to Rs.5095/- is too harsh.

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 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 authorities ought not to have imposed punishment of reduction of pay by two incremental stages permanently from Rs.5335/- to Rs.5095/-. In the circumstances of the case and the nature of the charge proved against the petitioner, this Court is of the view that ends of justice would be met if the above punishment imposed by the authorities can be modified to that of reduction of pay by two incremental stages from Rs.5335/- to Rs.5095/- without cumulative effect.

Accordingly, the Writ Petition is disposed of modifying the above punishment imposed by the authorities to that of reduction of pay by two incremental stages from Rs.5335/- to Rs.5095/- 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**

28<sup>th</sup> December, 2018  
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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 2<sup>nd</sup> respondent-Regional Manager, APSRTC and the 2<sup>nd</sup> 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.

