

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.39252 of 2014

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 Office order No.02/95(2)/2011-ADK, dated 02.09.2011 in imposing the punishment of reduction of petitioner's basic pay by two incremental stages and treating the suspension period as not on duty for the purpose of salaries and leaves as illegal, arbitrary and contrary to the facts and circumstances of the case and set aside the same including the proceedings of the 2nd respondent dated 25.10.2004 in confirming the same with all consequential benefits including restoration of reduced increments and treating the suspension period as on duty for all purposes and pass such other order or orders in the interest of justice as otherwise the petitioner may suffer irreparable loss and hardship.”

Heard Sri P.Govinda Rajulu, learned counsel for the petitioner and Sri P.Durga Prasad, learned Standing Counsel for the respondent-Corporation.

It has been contended by the petitioner that he was appointed as a Driver in the respondent-Corporation on 19.11.1987. While so, the 3rd respondent issued a charge sheet against him on 01.02.2011 alleging that he committed certain cash and ticket irregularities on 18.01.2011. The said act was construed as misconduct and after initiating disciplinary proceedings and after conducting regular departmental enquiry, the disciplinary authority passed an order dated 02.09.2011, imposing the punishment of reduction of basic pay of petitioner by two incremental stages and treating the suspension

period as “not on duty” for salaries and leaves. Aggrieved thereby, the petitioner preferred appeal and revision, but was unsuccessful. Therefore, the present writ petition is filed.

It has been contended by the learned counsel for the petitioner that the punishment of reduction of pay of the petitioner by two incremental stages with cumulative effect is too harsh.

Learned counsel further contended that the revisional authority ought to have taken a lenient view and modified the punishment of reduction of pay of the petitioner by two incremental stages with cumulative effect to that of 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 rightly imposed the punishment of reduction of pay of the petitioner by two incremental stages with cumulative effect for the proven misconduct in the enquiry and the appeal and revision preferred by the petitioner are rightly rejected and, therefore, no interference is called for from this Court.

This Court, having considered the rival submissions of the parties, is of the considered view that the revisional authority ought to have modified the punishment of reduction of pay of the petitioner by two incremental stages with cumulative effect to that of without cumulative effect. Therefore, ends of justice would be met if the punishment of reduction of pay of the petitioner by two incremental stages with cumulative effect is modified to that of without cumulative effect.

Accordingly, the Writ Petition is disposed of, modifying the punishment of reduction of pay of the petitioner by two incremental stages with cumulative effect to that of without cumulative effect. It is made clear that the above modified punishment is without any monetary benefits. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

15th December 2018

ajr

