

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 27412 of 2003

ORDER:

1. When this matter is taken up for hearing, the learned Counsel for the petitioner submits that the petitioner is challenging the punishment imposed by the respondents vide proceedings dated 23.12.1999, wherein punishment of postponement of regularization of service for two years was imposed. Further, the learned Counsel for the petitioner submits that the above said punishment is not enumerated in the regulations, and the respondents should not have imposed the punishment, which is not enumerated in the regulations and therefore, the writ petition be allowed setting aside the punishment orders dated 23.12.1999.

2. The learned Standing Counsel for the respondents submits that the petitioner had indulged in serious misconduct and the reviewing authority has rightly modified the punishment of removal of petitioner from service to that of postponement of regularization of the petitioner for a period of two years, and that no illegality has been committed by the reviewing authority and that there are no merits in this petition and therefore, the writ petition is liable to be dismissed.

3. This Court having considered the rival submissions made by the parties is of the view that similar issue fell for consideration before this Court in the case of **K.C. Narayana Vs. Managing Director, APSRTC**, wherein this Court having held that the authorities cannot

impose any other punishment, which is not enumerated in the regulations, has remanded the matter to the disciplinary authority to pass appropriate orders and impose any other punishment lesser than what has been imposed.

4. In the light of the above judgment, this Court is of the view that this writ petition can also be remanded to the reviewing authority by setting aside the impugned punishment order dated 23.12.1999 to pass appropriate orders in accordance with the regulations.

5. Accordingly, the Writ Petition is disposed of setting aside the impugned order dated 23.12.1999 and remanding the matter to the reviewing authority to pass appropriate orders in accordance with the regulations. While doing so, the reviewing authority should consider the case of the petitioner and impose any other lesser punishment than what had been imposed earlier, in accordance with the regulations. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

19th December, 2018
cbs

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI



Writ Petition No.27412 of 2003
(disposed of)

19th December, 2018

cbs