

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P. No.17428 of 2009ORDER:

This writ petition is filed seeking a writ of mandamus, declaring the proceedings No. Steno/ 20(126)/ 2000-RM(T), dated 25.8.2000, in so far as ordering to reduce the basic pay of the petitioner by two incremental stages for a period of two years which shall have the effect on postponing of future increments, besides treating the out of service period as not on duty, for the purpose of leave, increments and gratuity, as illegal, arbitrary, and consequently direct the respondents to add deferred increments to the pay of the petitioner.

2. Heard Sri S.D.Goud, the counsel for the petitioner and Sri B.Mayur Reddy, the Standing Counsel for the respondent-Corporation.

3. It has been contended by the petitioner that he was appointed as Conductor in the respondent-Corporation on 01.08.1987. While he was discharging his duties as Conductor, the respondent-Corporation had issued a charge sheet on 25.10.1999, alleging that he was unauthorisedly absent from 01.07.1999 to 02.07.1999 and 13.09.1999 to 24.10.1999, and the said act of the petitioner was construed as misconduct. After conducting regular departmental enquiry, he was removed from service vide orders dated 24.05.2000 for the proven misconduct. The petitioner had preferred an appeal to the 2nd respondent, and the 2nd respondent ordered for

reinstatement of the petitioner; however, reducing his basic pay by two incremental stages for a period of two years, having effect on postponing of his further increments. Challenging the same, the present writ petition is filed.

4. It has been contended by the counsel for the petitioner that the punishment of reduction of pay of the petitioner by two incremental stages for a period of two years with cumulative effect, is too harsh. It is further contended that the appellate authority ought to have taken a lenient view and imposed the punishment of reduction of pay by two incremental stages for a period of two years without cumulative effect.

5. The Standing Counsel for the respondent-Corporation had contended that the disciplinary authority had imposed the punishment of removal for the proven misconduct in the enquiry. He further contended that the appellate authority had taken a lenient view and no further lenient view can be taken and the writ petition is liable to be dismissed.

6. This Court, having considered the submissions made by both the parties, is of the considered view that the appellate authority ought to have imposed the punishment 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 appellate 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.

7. Accordingly, the writ petition is disposed of, modifying the punishment imposed by the appellate 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, stand closed.

Date: 29.10.2018
DMG



ABHINAND KUMAR SHAVILI, J