

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILU

WRIT PETITION No. 3545 of 2007

ORDER:

This writ petition is filed seeking to issue a writ of mandamus declaring the proceedings of the 3rd respondent dated 27.06.2005 as illegal and arbitrary.

Heard Sri P.Govinda Rajulu, learned counsel for the petitioner and learned standing counsel for the respondent corporation.

It has been contended by the petitioner that he was appointed as conductor in the respondent. While he was discharging his duties on 07.02.2004, a check was conducted and the checking officials found that he had indulged in cash and ticket irregularities and the said act was construed as misconduct and after conducting regular departmental enquiry, he was removed from service vide orders dated 06.08.2004 for the proven misconduct. He had preferred an appeal before the 2nd respondent and the 2nd respondent directed his reinstatement as a fresh conductor vide proceedings dated 08.11.2004. Questioning the same, he preferred revision before the 3rd respondent and the 3rd respondent vide orders dated 27.06.2005 had modified the order of appellate authority to that of reduction of his pay by one incremental stage for one year 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 appellate authority to

that of reduction of pay of the petitioner by one incremental stage for one year 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 one incremental stage for one year 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 appellate authority and 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 reduction of pay by one incremental stage for one year 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 one incremental stage for one year 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 one incremental stage for one year 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 SHAVIL, J

Date: 01.11.2018
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WRIT PETITION No. 3545 of 2007
(disposed of)

1st November, 2018

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