

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 20550 of 2010

O R D E R:

The writ petition is filed seeking to issue Certiorari calling for records relating to and connected with ID No.108 of 1998 dated 22.12.2004 and quash the same as illegal and arbitrary.

2. Petitioner was appointed as Conductor at Markapur, in respondent-Corporation. While so, on 27.11.1990, he criticized the Depot Manager and threatened him for which respondent-corporation issued charge sheet on 10.12.1990 by framing two charges against him. Petitioner submitted his explanation on 28.12.1990. Without considering his explanation, respondent-Corporation straight away issued final orders-cum-show cause notice on 25.05.1991 and imposed major penalty of deferment of two annual grade increments with cumulative effect. Questioning the same, petitioner preferred an appeal and the respondent herein, who is the appellate authority, by Proceedings dated 27.08.1992, modified the punishment to that of deferment of one annual grade increment for a period of one year with cumulative effect. Questioning the same, petitioner raised ID No.108 of

1998 before the Industrial Tribunal wherein the tribunal by order dated 22.12.2004 was pleased to dismiss the same on the ground that the punishment of deferment of one annual grade increment for one year with cumulative effect is a minor punishment.

3. The grievance of the petitioner is that respondent-Corporation has not followed Regulation No. 12 and 13 of the Andhra Pradesh State Road Transport Corporation Employees (Classification, Control and Appeal) Regulations, 1967 before imposing major penalty of deferment of two annual grade increments with cumulative effect. The respondent-corporation without giving any opportunity of hearing the petitioner, straight away passed the final orders-cum-show cause notice on 25.05.1991, which is contrary to the law and the regulations of the Corporation.

4. Heard Sri P.Govindarajulu, learned counsel for petitioner and Sri P.Durga Prasad, learned Standing Counsel for respondents.

5. The learned counsel for petitioner contends that the disciplinary authority has rightly imposed the punishment after

following due process of law and as per regulations of the corporation and therefore, no illegality or irregularity committed by the Tribunal while dismissing the ID preferred by the petitioner.

6. I have perused the material available on record and the impugned order as well as the Regulations of the Corporation.

7. On perusal of the material available on record, the tribunal ought to have considered Regulation No. 12 and 13 of the Andhra Pradesh State Road Transport Corporation Employees (Classification, Control and Appeal) Regulations, 1967, while passing the impugned order. Hence, ends of justice would be met, if the punishment of deferment of one annual grade increments with cumulative effect is modified to that of without cumulative effect.

8. With the above observations, the writ petition is disposed of. No costs.

9. Miscellaneous Petitions, if any, pending in this writ Petition shall stand closed.

ABHINAND KUMAR SHAVILI, J

04th October, 2018
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