

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.19299 OF 2005

ORDER

This writ petition is filed seeking to issue a Writ of Mandamus declaring the proceedings dated 12-02-2004 issued by the 2nd respondent insofar as deferring one annual increment with cumulative effect and treating out of employment as 'not on duty' for all purposes and denying the back wages as arbitrary and illegal.

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

It is the case of the petitioner that initially, he was appointed as Conductor in the respondent-Corporation and while working as such, on 03-11-2002, the checking officials exercised a check and found that the petitioner had indulged in cash and ticket irregularities. This incident was construed as a misconduct, the respondent-Corporation initiated disciplinary proceedings against the petitioner and after conducting regular departmental enquiry and for the proven misconduct, removed him from service on 13-02-2003. Aggrieved by the same, the petitioner had preferred an appeal before the appellate authority. The appellate authority *vide*

order dated 28-04-2003 modified the punishment to that of reinstatement into service with continuity of service, without back wages, and deferred the annual increment for a period of two years with cumulative effect. Aggrieved by the same, the petitioner preferred review and the reviewing authority *vide* order dated 12.02.2004 modified the punishment to that of deferment of one annual increment with cumulative effect. Challenging the same, the present writ petition is filed.

Learned counsel appearing for the petitioner submits that though the reviewing authority extended the benefit of doubt, it ought to have come to the rescue of the petitioner and modified the punishment to that of deferment of annual increment for a period of one year without cumulative effect and ought to have set aside the total punishment imposed against the petitioner.

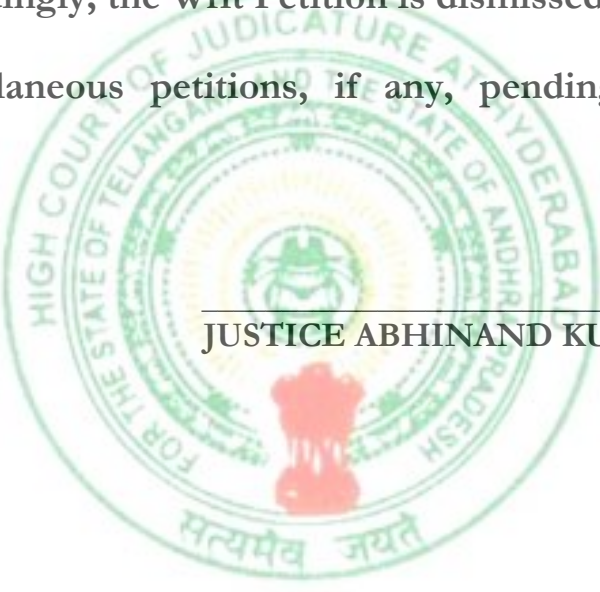
Learned Standing Counsel appearing for the respondent-Corporation contends that the reviewing authority has taken a lenient view, modified the punishment imposed against the petitioner and granted the relief to which the petitioner is entitled to and hence, no interference is called for and the writ petition is liable to be dismissed.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the considered

view that the reviewing authority had rightly appreciated the case of the petitioner and modified the punishment by taking lenient view to that of deferment of annual increment with cumulative effect. Unless and until a grave irregularity or illegality has been pointed in the impugned order, it is difficult for this Court to modify or set aside the impugned order. There are no merits in this writ petition and the same is liable to be dismissed.

Accordingly, the Writ Petition is dismissed. No costs.

Miscellaneous petitions, if any, pending shall stand closed.



JUSTICE ABHINAND KUMAR SHAVILI

4th September, 2018
rkk