

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.32906 of 2010

ORDER:

This writ petition is filed seeking the following relief:

“....to issue a writ, order or directions more in the nature of Writ of Mandamus declaring the action of the 2nd respondent in issuing proceedings Dt.8-11-1006 in so far imposing of punishment of reducing the petitioner scale with 2 incremental stages for a period of 2 years with cumulative effect as illegal, arbitrary and unjust and consequently set aside the said proceedings dt.8-11-2006 in so far imposing punishment of reducing petitioner's pay by 2 incremental stages for a period of 2 years with cumulative effect and proceedings of the 1st respondent dt.4-2-2007.....”

Heard Sri G.Ravi Mohan, learned counsel for the petitioner and Sri C.Sunil Kumar Reddy,, learned standing counsel for the respondent corporation.

It has been contended by the petitioner that he was appointed as Driver in the respondent corporation in the year 1988. While he was discharging his duties on 22.06.2006, at Gudimalkapur Village, the respondent corporation had issued a charge sheet alleging that the vehicle bearing No.AP X 6038 was driven by him in rash and negligent manner, which caused accident at Gudimalkapur Village to a pedestrian and the said act of the petitioner was construed as misconduct and conducted regular departmental enquiry and after conducting regular departmental enquiry, he was removed from service by the 3rd respondent vide orders dated 20.7.2006 for the proven

misconduct. The petitioner had preferred an appeal challenging the order of 3rd respondent before the 2nd respondent and the same was allowed vide order dated 08-11-2006 imposing punishment of reduction of 2 incremental stages with cumulative effect for a period of 2 years and the period till he reported for duty was treated as not on duty. Thereafter, the petitioner filed review petition before the 1st respondent-Regional Manager, APSRTC and the 1st respondent vide orders dated 04.02.2007 dismissed the review petition. Challenging the order dated 08-11-2006 passed by the appellate authority/2nd respondent and order dated 04.02.2007 passed by the 1st respondent, the present writ petition is filed.

It has been contended by the learned counsel for the petitioner that the punishment of removal to that of reduction of pay of the petitioner by two incremental stages for a period of two years with cumulative effect is too harsh. Learned counsel further contended that the 2nd respondent ought to have taken a lenient view and imposed a punishment of reduction of pay by two incremental stages for a period of two years 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 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 appellate authority ought to have imposed 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.

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, shall stand closed.

Date: 14/11/2018
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ABHINAND KUMAR SHAVILI, J

