

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.25315 of 2011

ORDER :

This writ petition is filed seeking the following relief:

“....to issue an order or direction or Writ more particularly one in the nature of Writ of Mandamus declaring the action of 4th respondent in imposing punishment of deferment of annual increments for a period of 2 years with cumulative effect vide proceedings dt.11-1-2002 the proceedings of the 3rd respondent dt.16-6-2005 is illegal, arbitrary and unjust and consequently set aside the said impugned proceedings dt.11-1-2002 of the 4th respondent and proceedings dt.16-6-2005 of the 3rd respondent and direct the respondents to add two increments to the petitioner's pay and pass such further other order or orders.”

2. Heard Sri G.Ravi Mohan, learned counsel for the petitioner and Sri Sridhar Reddy, learned Standing Counsel for APSRTC.

3. It has been contended by the petitioner that he was appointed as a Driver in the respondent-Corporation in the year 1996. While he was discharging his duties, on 14.05.2001, the respondent-Corporation had issued a charge sheet alleging that the vehicle bearing No.AP 10Z 9268 was driven by him in rash and negligent manner, which met with an accident with an Auto near Pirket. The said act of the petitioner was construed as misconduct and conducted regular departmental enquiry, and thereafter, the punishment of deferring annual increments for a period of two years with cumulative effect, was imposed for the proven misconduct.

4. The petitioner had preferred an appeal and the same was dismissed. Thereafter, the petitioner had preferred revision before the 2nd respondent-Regional Manager, APSRTC. In spite of making representations by the petitioner on 14.06.2008, 17.05.2009 and 04.12.2010 for passing appropriate orders in his revision, the 2nd respondent did not pass any orders and the revision is still pending. Therefore, this writ petition is filed.

5. It has been contended by the learned counsel for the petitioner that the punishment of deferring annual increments for a period of two years with cumulative effect, is too harsh. Learned counsel further contended that the revisional authority ought to have disposed of the revision filed by the petitioner by taking lenient view, modifying the punishment of deferring annual increments for two years without cumulative effect.

6. 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 rightly imposed the punishment of deferment of two annual increments with cumulative effect for the proven misconduct in the enquiry.

7. This Court, having considered the submissions made by both the parties, is of the considered view that the revisional authority ought to have disposed of the revision filed by the petitioner by modifying the punishment to that of deferring annual increments for two years without cumulative effect instead of with cumulative effect. Therefore, ends of justice would be met if the punishment imposed by the disciplinary

authority is modified to that of deferring annual increments for two years without cumulative effect instead of with cumulative effect.

8. Accordingly, the Writ Petition is disposed of modifying the punishment imposed by the disciplinary authority to that of deferment of annual increments for two years without cumulative effect. It is made clear that the above modified punishment is without any monetary benefits. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

14th November 2018

ajr

ABHINAND KUMAR SHAVILI, J

