

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.33258 of 2010

ORDER :

This writ petition is filed seeking the following relief:

“....to issue an order, direction or Writ more particularly one in the nature of Writ of Mandamus declaring the action of the 1st respondent in rejecting the case of the petitioner is wholly illegal, arbitrary and unjust and consequently set aside the proceedings of the 1st respondent dt.8-9-2005 and the proceedings of the 2nd respondent dated 1-9-2003.”

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 Conductor in the respondent-Corporation on 16.11.1987. While he was discharging his duties, on 12.06.2003, on route Vissampalli, a check was exercised by the checking officials at Stage No.5/4. Though there were no irregularities on the part of the petitioner, a charge sheet dated 19.06.2003 was issued alleging certain cash and ticket irregularities. Petitioner gave explanation to the said charge sheet on 20.06.2003. Thereafter, an inquiry was conducted and basing on the inquiry report, the 2nd respondent issued proceedings dated 01.09.2003, imposing the punishment of reduction of pay of the petitioner by two incremental stages for a period of two years which shall have effect on future increments, besides treating suspension period as not on duty for all purposes.

4. The petitioner had preferred an appeal and the same was dismissed. The review preferred by the petitioner before the 1st respondent-Regional Manager was also rejected. Hence, this writ petition is filed.

5. It has been contended by the learned counsel for the petitioner that the punishment of reduction of pay of the petitioner by two incremental stages for a period of two years which shall have effect on future increments, besides treating suspension period as not on duty for all purposes, is too harsh. Learned counsel further contended that the revisional authority ought to have taken lenient view and modified the punishment of reduction of pay by two incremental stages without cumulative effect.

6. Learned Standing Counsel for the respondent-Corporation had contended that the charges framed against the petitioner are 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 inquiry.

7. This Court, having considered the submissions made by both the parties, is of the considered view that the revisional authority ought to have modified the punishment to that 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 disciplinary authority is modified to that of reduction of pay of petitioner by two incremental stages for a

period of 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 reduction of pay of petitioner 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.

Pending miscellaneous applications, if any, shall stand closed.

14th November 2018

ajr

ABHINAND KUMAR SHAVILI, J

