

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.35728 OF 2018

DATED :05.10.2018

Between :

Smt E.Jana Bai,
E-801212, Conductor,
D/o.Late Anjaneyulu, Aged 31 yrs,
Zaheerabad Depot, R/o.Zaheerabad,
Medak District, Telangana.

..

Petitioner

And

The T.S.R.T.C.,
Rep., by its Managing Director,
Musheerabad, Hyderabad, Telangana & others.

..

Respondents



This court made the following :

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ORDER :

Heard learned counsel for the petitioner and Sri N.Vasudeva Reddy, learned Standing counsel for TSRTC.

2. The disciplinary action initiated against the petitioner resulted in punishment of removal from service by order dated 18.11.2017. Petitioner was unsuccessful before the appellate authority also. In the Review petition filed by the petitioner, the Regional Manager, while upholding the disciplinary action, modified the punishment imposed to that of "Reappointed as afresh Conductor" by specifying the terms of such re-appointment.

3. The Service Regulations, do not prescribe imposing punishment of 're-appointment as afresh'. As the reviewing authority exercising quasi-judicial power, on a review filed against the order of punishment imposed by the disciplinary authority affirmed by the appellate authority, he can pass orders imposing appropriate punishment as prescribed in the Service Regulations. In several decisions, this Court found fault with the punishment imposed by the Reviewing authority in a similar manner. However, the respondent Corporation continue to pass such orders.

4. Learned Standing counsel also fairly submits that the punishment imposed is not prescribed.

5. Though in W.P.No.37079 of 2015 this Court substituted the punishment instead of remanding the matter, in the facts of

this case, at this stage, this Court is not inclined to exercise such discretion. Hence, the matter is remitted for consideration by the Reviewing authority. On remand the revisional authority shall consider imposing of appropriate punishment in substitution to punishment of removal.

6. Accordingly, the Writ Petition is allowed setting aside the order dated 13.06.2018 to the extent of imposing punishment of “Reappointed as afresh conductor” and the matter is remitted for consideration afresh on imposing appropriate punishment. It is also open to the reviewing authority to take into consideration the decision made by this Court in W.P.No.37079 of 2015. The Reviewing Authority shall pass appropriate orders by assigning due reasons, within a period of six (6) weeks from the date of receipt of copy of this order. Pending miscellaneous petitions shall stand closed.

05th October, 2018
Rds

P.NAVEEN RAO,J