

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.9580 of 2002

ORDER:

This writ petition is filed seeking a Writ of Mandamus declaring the proceedings dated 22.04.2002 passed by the 2nd respondent as illegal, arbitrary and violative of principles of natural justice.

Heard Smt.K.Udaya Sri, the learned counsel for petitioner and Sri P.Durga Prasad, the learned Standing Counsel for the respondents Corporation.

It has been contended by the petitioner that he was appointed as Conductor on 01.07.1973 and thereafter, he was promoted as Depot Clerk/Traffic Inspector Grade-II in the year 1986. In January, 1997, the petitioner was transferred from Garage Section of Nellore-II Depot to Traffic Section. While he was discharging duties, the respondents have issued charge-sheet to the petitioner on 11.04.1997 stating that while handing over and taking over T&P Items, there are certain shortages. The petitioner has submitted explanation denying the charges levelled against him. Thereafter, the 2nd respondent issued another charge-sheet on 20.06.1997 alleging that the Corporation had suffered a loss of Rs.34,673.32 ps. because of the negligence of the petitioner and asking as to why the said amount should not be recovered from the petitioner. The petitioner has submitted explanation on 13.08.1997. The 2nd respondent, without considering the explanation of the petitioner and without conducting any enquiry, has passed the impugned order. Challenging the same, the present writ petition is filed.

Learned counsel for petitioner submits that the 2nd respondent has passed the impugned proceedings nearly after 4½ years from the date of issuance of charge-sheet and there is no shortages as alleged by respondents. Further, the impugned order was passed without giving any opportunity to the petitioner. Therefore, the impugned order is liable to be set aside.

Learned Standing Counsel submits that the disciplinary proceedings were initiated against the petitioner and after following due procedure, the respondents have passed the impugned order. It is further stated that for imposing minor penalty there is no need to conduct departmental enquiry and the orders passed by the disciplinary authority are perfect and valid and no interference is warranted by this Court.

This Court, having considered the rival submissions made by parties, is of the considered view that the respondents have imposed minor penalty and for imposing minor penalty, the respondents are not obligated to conduct enquiry. Therefore, the 2nd respondent has rightly passed the impugned order for recovering the amount from petitioner. There are no merits in the writ petition and the same is liable to be dismissed.

Accordingly, the writ petition is dismissed. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVIL, J

28-11-2018
Prv