

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 4230 of 2002

ORDER:

This writ petition is filed seeking to issue a writ of mandamus declaring the orders dated 25.05.1999 passed by the 2nd respondent as arbitrary and illegal.

2. Heard Sri M. Surender Rao, learned counsel for the petitioner, and Mr. P. Durga Prasad, learned standing counsel for APSRTC, appearing on behalf of the respondents.

3. It is submitted by the learned counsel for the petitioner that the petitioner had joined the respondent corporation as a garage cleaner on 04.09.1969 and in the year 1980, he became heavy vehicle driver. While he was working as such, in February 1994 he had a scuffle with his co-employees. His conduct was construed as misconduct, disciplinary proceedings were initiated against him, and he was kept under suspension by the 3rd respondent vide orders dated 17.02.1994. Thereafter, a charge memo was issued framing three charges against him, for which he submitted explanation denying the charges. Subsequently, a show-cause-notice was issued on 16.08.1998 calling upon him to explain as to why punishment of reduction in three stages having cumulative effect on his future increments shall not be imposed. He submitted explanation to the said show-cause-notice on 01.01.1999. Being dissatisfied with his explanation, the 2nd respondent passed orders dated 25.05.1999 imposing a punishment of

reduction of two incremental stages for a period of two years which shall have an effect on his future increments, besides treating the suspension period as not on duty. Aggrieved thereby, the petitioner preferred an appeal and the same was rejected vide orders dated 08.12.2000. Questioning the orders of the 2nd respondent, the present writ petition is filed.

4. Learned counsel for the petitioner has contended that the punishment of stoppage of increments is too harsh and shockingly disproportionate to the charges leveled against the petitioner.

5. Learned standing counsel for the respondent corporation contended that the petitioner had not participated in the enquiry and based upon the material available on record, the enquiry officer held the charges proved and the 2nd respondent passed the impugned orders imposing the punishment of reduction of two incremental stages for two years with cumulative effect. Therefore, no interference is called for to interfere with the orders passed by the 2nd respondent. Moreover, the petitioner has already retired from service and, hence, the cause in the writ petition does not survive.

6. As seen from the record available on record, it is obvious that the charges leveled against the petitioner are serious in nature and though several notices were issued to the petitioner to attend the enquiry, he failed to attend the enquiry and in such circumstances and as this Court, while disposing of a writ petition filed by the petitioner

in W.P.No.8570 of 1994, had fixed time for completion of enquiry, the enquiry officer had to conduct ex parte enquiry and submitted his report on 28.10.1996. After considering the entire material on record and as the explanation submitted by the petitioner to the show-cause-notice is neither convincing nor trustworthy, the 2nd respondent rightly passed the impugned orders. Therefore, I see no merits in the writ petition to interfere with the impugned orders. Further, no illegality and irregularity have been pointed out by the petitioner in the enquiry proceedings initiated against him.

7. Therefore, the writ petition is dismissed. Consequently, miscellaneous petitions if any pending in the writ petition shall stand closed. There shall be no order as to costs.

27th July, 2018
cbs

ABHINAND KUMAR SHAVILI, J

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI



WRIT PETITION No. 4230 of 2002
(dismissed)

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