THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE M.GANGA RAO

WRIT APPEAL NO.1555 OF 2018

JUDGMENT: (per SK,J)

The officials of the Telangana State Road Transport Corporation (TSRTC), the successor-in-interest of the erstwhile Andhra Pradesh State Road Transport Corporation (APSRTC), are in appeal aggrieved by the order dated 06.09.2018 passed by a learned Judge of this Court in W.P.No.15108 of 2005.

Sri B.Mayur Reddy, learned counsel for the appellants, would state that the appellants are not aggrieved by the modification of the punishment imposed upon the respondent-writ petitioner but their only grievance is with regard to the learned Judge not stating in the order under appeal that the treatment of the period of suspension undergone by the respondent-writ petitioner remains unaltered.

It is an admitted fact that after issuing a show-cause notice, the erstwhile APSRTC treated the period of suspension undergone by the respondent-writ petitioner as 'not on duty', *vide* order dated 01.12.2004. Perusal of the order under appeal reflects that though the learned Judge dealt with the penalty imposed upon the respondent and held to the effect that the same was unsustainable, in the light of the earlier order dated 05.09.2005 passed by this Court in W.P.No.18299 of 2005, no observation was made as to the treatment of the suspension period.

Regulation 12(13) of the Andhra Pradesh State Road Transport Corporation Employees (Classification, Control and Appeal) Regulations, 1967, which would be applicable to its successor-in-interest - the TSRTC, prescribes that prior to imposition of the major penalty of reduction to a lower rank in the seniority or to a lower post or a lower time-scale or to a lower stage in the time-scale; or removal from service; or dismissal from service, the competent authority is required to give an opportunity to the employee concerned to show-cause as to why the said penalty should not be imposed.

In that view of the matter, the failure on the part of the erstwhile APSRTC to follow this procedure before imposing the major penalty of withholding the respondent-writ petitioner's annual increment for two years with cumulative effect, thereby reducing him to a lower stage in the time scale, and the consequent alteration of the major penalty cannot be countenanced. However, as stated earlier, the learned Judge did not make any observation with regard to the treatment of the suspension period of the respondent-writ petitioner as 'not on duty'.

Sri G.Ravi Mohan, learned counsel for the respondent-writ petitioner, would however state that his client has no grievance with regard to the treatment of his suspension period as 'not on duty'.

In that view of the matter, the writ appeal is disposed of confirming the modification of the punishment imposed upon the respondent-writ petitioner but making it clear that the order dated 01.12.2004 passed by the erstwhile APSRTC, treating the period of suspension of the respondent-writ petitioner as 'not on duty, shall stand confirmed.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR,J

M.GANGA RAO,J

Date:23.11.2018
GJ