

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 15172 of 2002

O R D E R:

The writ petition is filed seeking to issue *Certiorari* calling for records relating to and connected with ID No.173 of 1997 and quash the Award dated 28.08.2000 as illegal and arbitrary.

Petitioner was appointed as Driver in respondent-Corporation in 1971. While so, the Prohibition and Excise officials checked the bus and found that the petitioner was carrying liquor in the bus. A case was registered against the petitioner and a charge sheet was issued. Petitioner was removed from service on 31.07.1975. In appeal, respondent No.2 modified the order of removal passed by respondent No.1 and reinstated petitioner by reducing his pay by two increments for a period of two years which shall have effect on future increments. Challenging the same, petitioner filed the above ID and the Labour Court dismissed the said ID which is impugned in this writ petition.

The grievance of the petitioner is that respondent-Corporation has not followed Regulations of the Andhra Pradesh State Road Transport Corporation Employees (Classification, Control and Appeal) Regulations, 1967 before imposing major penalty of deferment of two annual grade increments with cumulative effect. Respondent-Corporation without giving any opportunity of hearing to the petitioner straight away passed the order of removal and the appellate authority ought to have considered the case of the petitioner in accordance with the regulations of the Corporation.

Heard learned counsel for petitioner and learned Standing Counsel for respondent-Corporation and perused the material on record.

Learned counsel for petitioner contends that the disciplinary authority as well as the Labour Court without considering the material on record and without following the due process of law, imposed the punishment and hence the award impugned suffers from illegality and irregularity warranting interference of this Court.

On perusal of the material available on record, this Court is of the view that the Tribunal ought to have considered the Regulations of the Andhra Pradesh State Road Transport Corporation Employees (Classification, Control and Appeal) Regulations, 1967, while passing the impugned order. Hence, ends of justice would be met, if the punishment of deferment of two annual grade increments with cumulative effect is modified to that of without cumulative effect.

Accordingly, the Writ Petition is disposed of modifying the punishment of deferment of two annual grade increments with cumulative effect, to that of without cumulative effect.

It is made clear that the above modified punishment is without any monetary benefits. No order as to costs.

Miscellaneous Petitions, if any, pending in this writ Petition shall stand closed.

ABHINAND KUMAR SHAVILI, J

17.12.2018
Mjl/*