

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.18334 of 2002

ORDER:

This writ petition is filed seeking to issue a writ of mandamus, declaring the action of the respondents in issuing proceedings dated 18.12.1997, 22.01.1998 and 03.12.2001, as illegal and arbitrary.

Heard Sri P.Govindarajulu, counsel for the petitioner and Sri P.Durga Prasad, learned Standing counsel for the respondent-Corporation.

It has been contended by the petitioner that he was appointed as driver in the respondent-Corporation and while he was discharging his duties, petitioner had indulged in an accident and said conduct was construed as misconduct. After conducting regular departmental enquiry, the respondents have imposed on petitioner a punishment of deferment of two annual grade increments for a period of two years with cumulative effect vide order dated 18.12.1997. Thereafter, petitioner had preferred an appeal before the appellate authority and the same was rejected vide order dated 03.08.2001. Challenging the same, the present writ petition is filed.

It has been contended by the counsel for the petitioner that before imposing the punishment of deferment of two annual grade increments for a period of two years with cumulative effect, the respondents are bound to issue show cause notice in terms of Regulation 12 (13) of APSRTC Employees' (Classification, Control and Appeal) Regulations, 1967. The counsel for petitioner has relied on order of this Court in W.P.No.27175 of 2012 dated 17.08.2012, which held as follows:

“Since the learned counsel on both sides agree that the impugned order is a severable one, that portion of the order, which imposed major punishment on the petitioner, can be dissected from the rest of the portion of the order. Hence, the order passed by the Depot Manager, Rajendranagar Depot on 10.06.2011 is modified to that of deferment of one annual grade increment, which falls next due, without cumulative effect. However, this order will not ensure any monetary benefit up to today and it will be given effect to only for notional pay fixation purposes.”

and contends that in the instant case also the deferment of two annual grade increments for a period of two years with cumulative effect can be modified to that of deferment of two annual grade increments for a period of two years without cumulative effect by following the order in W.P.No.25175 of 2012.

Learned Standing counsel for the respondents did not dispute the above said facts.

Therefore, in terms of the order of this Court in W.P.No.25175 of 2012 dated 17.08.2012, the punishment of deferment of two annual grade increments for a period of two years, with cumulative effect is modified to that of deferment of two annual grade increments for a period of two years without cumulative effect.

With the above observations, the writ petition is disposed of. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed in consequence.

Date: 19.09.2018
dv

ABHINAND KUMAR SHAVILI,J



