

**HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI**

**WRIT PETITION No.8576 OF 2003**

**ORDER:**

1. This Writ Petition is filed seeking the following the relief:

“For the reasons stated in the accompanying affidavit, the petitioner herein prays that this Hon'ble Court may be pleased to call for the records from the 1<sup>st</sup> respondent herein in respect of impugned proceedings No.Peshi/19(44)/98-RM:ADB, dated 18.09.1998, and issue an appropriate writ, order or direction more particularly one in the nature of writ of *certiorari* and quash the impugned order in not granting the relief as arbitrary, unjust, and in violation of Articles 14, 16 and 21 of the Constitution of India and consequently direct the respondents to restore the deferred increment of the petitioner along with its consequential benefits and pass such other order or orders as are deemed fit and proper in the circumstances of the case.”

2. Heard Sri N.Rajeshwar Rao, learned counsel for the petitioner, and Sri G.Jyothi Kiran, learned Standing Counsel for the respondent – Corporation.

3. It has been contended by the petitioner that he was appointed as Driver in the respondent corporation. While he was discharging his duties on 02.07.1997 at Nirmal depot, the respondent corporation had issued a charge sheet alleging that the vehicle bearing No.AEZ 4830 was driven by him in rash and negligent manner, which resulted in the death of cyclist named Sri Sreehari on 03.07.1997 and the said conduct of the petitioner was construed as misconduct, and conducted regular departmental enquiry, and after conducting regular departmental enquiry, imposed the punishment of deferment of his annual increment for a period of two years which shall have its effect on his future increments. Questioning the same, he had preferred an appeal before the Deputy Chief Traffic Manager,

Adilabad, who dismissed the said appeal *vide* orders dated 13.07.1998. Challenging the same, he preferred revision before the 1<sup>st</sup> respondent and the 1<sup>st</sup> respondent *vide* orders dated 18.09.1998 modified the punishment of deferment of annual increment for a period of two years to that of one year, which shall have its effect on his future increments. Further aggrieved, the petitioner preferred the present writ petition.

4. It has been contended by the learned counsel for the petitioner that the modified punishment of deferment of his annual increment for a period of one year which shall have its effect on his future increments is too harsh. Learned counsel further contended that the revisional authority ought to have taken a lenient view and imposed the punishment of deferment of his annual increment for a period of one year without cumulative effect.

5. Learned standing counsel for the respondent corporation had contended that the charge framed against the petitioner is very serious in nature and the disciplinary authority had imposed the punishment of deferment of annual increment for a period of two years with cumulative effect, for the proven misconduct in the enquiry. Learned standing counsel further contended that, though the appellate authority dismissed the appeal, the revisional authority had taken a lenient view and modified the punishment to that of deferment of annual increment for a period of one year with cumulative and therefore no further lenient view can be taken and the writ petition is liable to be dismissed.

6. This Court, having considered the rival submissions made by the parties, is of the considered view that the revisional authority ought to have imposed the punishment of deferment of annual increment for a period of one year without cumulative effect instead of with cumulative

effect. Therefore, ends of justice would be met if the punishment imposed by the revisional authority is modified to that of deferment of annual increment for a period of one year without cumulative effect.

7. Accordingly, the writ petition is disposed of modifying the punishment imposed by the revisional authority to that of deferment of annual increment for a period of one year without cumulative effect. It is made clear that the above modified punishment is without any monetary benefits. No order as to costs.

8. Miscellaneous petitions, if any, pending in this writ petition shall stand closed in consequence.

Date: 18.12.2018.  
Dsh

**ABHINAND KUMAR SHAVILI, J**



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**WRIT PETITION No. 8576 OF 2003**

Date. 18.12.2018

**DSH**