

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.338 of 2013

ORDER

This writ petition is filed seeking the following relief:

“.....to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondent No.1 in deferment of annual increment for a period of two years with cumulative effect besides treating the period of suspension i.e., from 20.12.2000 till date of report at new depot as “NOT ON DUTY” for all purposes vide his proceedings No.M1/2(4)/2000-DBK, dated 19.6.2001, without seeking the Comments and Objections of the petitioner on the findings and report of the domestic enquiry officer and also without issuing show cause notice which was confirmed by the respondent No.2 herein *vide* his order dt 30.7.2004, as illegal, unjust, arbitrary and violation of the principles of natural justice and also violation of CCA regulations of APSRTC and consequently direct the respondents to restore increments of the petitioner with attendant with due date along with consequential benefits treating the period of suspension as “ON DUTY or LEAVE” and to pass such other order or orders as this Hon’ble Court may deems fit, just and proper in the circumstances of the case.”

Learned counsel appearing for the petitioner contended that without furnishing the enquiry officer’s report and without issuing any show cause notice, the respondent-Corporation had imposed the punishment of deferment of

annual increment for a period of two years with cumulative effect by treating the suspension period as “not on duty”. It is further contended that in similar circumstances this Court while disposing of W.P.No.20089 of 2009 on 03.10.2018 modified the punishment of reduction of pay by two incremental stages for a period of two years with cumulative effect to that of without cumulative effect, without any monetary benefits.

Learned Standing Counsel appearing for the respondent-Corporation does not dispute the same.

In view of the same, following the order dated 3.10.2018 in W.P.No.20089 of 2009, this Writ Petition is disposed of by modifying the deferment of annual increment for a period of two years with cumulative effect to that of without cumulative effect, without any monetary benefits. It is made clear that the respondent-Corporation shall release notional increments to the petitioner. No costs.

Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

1st October, 2019
rkk

