

HIGH COURT FOR THE STATE OF TELANGANA

**THE HON'BLE THE CHIEF JUSTICE RAGHVENDRA SINGH CHAUHAN
AND**

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

W.P.No.18201 of 2019

Date: 23.08.2019

Between:

S. Shaker

...Petitioner

and

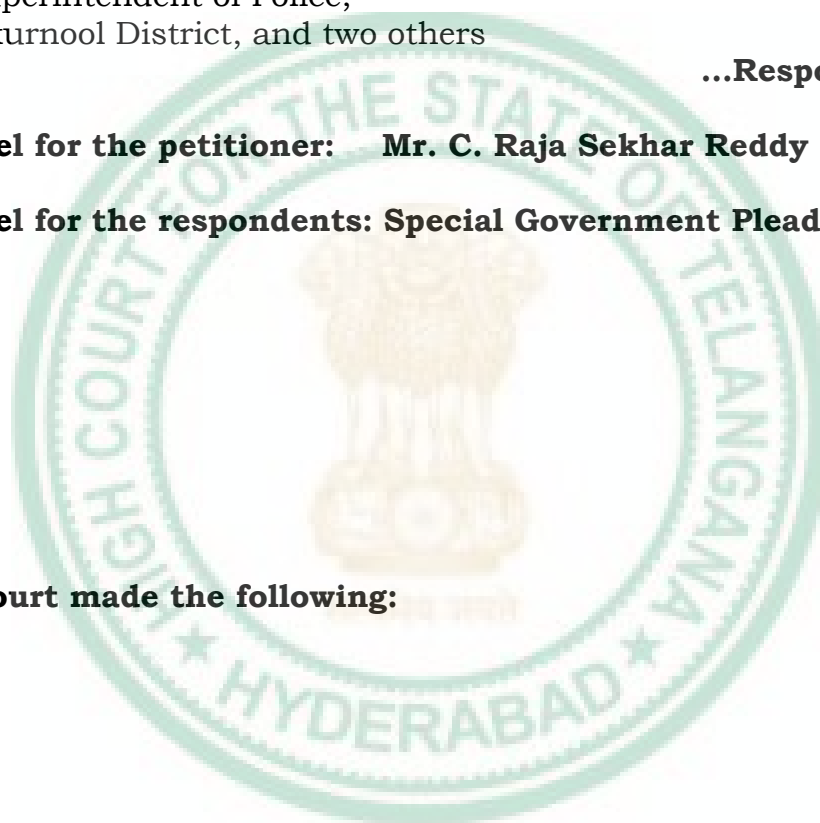
The Superintendent of Police,
Nagarkurnool District, and two others

...Respondents

Counsel for the petitioner: Mr. C. Raja Sekhar Reddy

Counsel for the respondents: Special Government Pleader

The Court made the following:



ORDER: *(per Hon'ble Sri Justice Raghvendra Singh Chauhan)*

Mr. S. Shaker, the petitioner, has challenged the legality of the order dated 28.10.2015, passed by the Andhra Pradesh Administrative Tribunal at Hyderabad, in O.A.No.2618 of 2012, whereby the learned Tribunal has dismissed the O.A. filed by him challenging the punishment of postponement of increment for two years with effect on future increments and pension, and treating the absence period as 'Not on Duty'.

Briefly the facts of the case are that the petitioner was working with the Police Department. While he was working at the Lingala Police Station, the respondents had fixed the date for basic Police Training Course-II at A.R. Headquarters, Mahabubnagar. The training had commenced from 11.11.1997. According to the petitioner, he attended the training from 13.11.1997 till 26.11.1997. However, on 26.11.1997, he suffered a severe backache. Therefore, he could not attend the training programme. Subsequently, he left the station of his posting on 27.11.1997 and reported back to duty on 29.01.1998. After coming from the medical treatment, he received desertion order. Immediately, he appeared before the Superintendent of Police, Mahabubnagar, and submitted a representation. Considering his representation, on 09.02.1998, the Superintendent of Police took him back into duty. However, on 29.04.1998, he was issued a charge memo, wherein it was alleged that he was absent for 21 days. Immediately, he filed a reply to the

charge memo. But, not satisfied with the explanation submitted by the petitioner, an enquiry was ordered by the Sub-Divisional Police Officer, Wanaparthi Sub-Division, Mahabubnagar. The petitioner not only submitted a written explanation, but also submitted a Medical Certificate. However, notwithstanding his explanation, by order dated 03.03.2000, the petitioner was punished with postponement of two increments with effect on future increments and pension, and treating the absence period as 'Not on Duty'.

Since the petitioner was aggrieved by the order dated 03.03.2000, he filed an appeal before the Deputy Inspector General of Police, the respondent No.2. However, the said appeal was dismissed *inter alia* on the ground that the appeal was time barred. Therefore, the petitioner filed the present O.A. before the learned Tribunal. The petitioner has also filed O.A.No.2656 of 2012 challenging the punishment order. By common order dated 28.10.2015, the learned Tribunal dismissed both the O.As. Hence, this writ petition before this Court.

The learned counsel for the petitioner has vehemently contended that merely because of his unauthorized absence of 64 days, the punishment of postponement of increment for two years with effect on future increments and pension is too harsh a punishment. Therefore, the punishment imposed is highly disproportionate to the alleged misconduct. Hence, the

learned Tribunal ought to have allowed the O.A. and reduced the punishment to a minor one.

Heard the learned counsel for the petitioner, and perused the impugned order.

Undoubtedly, the petitioner belongs to a disciplinary force like the police force. As a member of the police force, the first and the foremost duty of the petitioner is to maintain the discipline of the force. Admittedly, without informing his superior officer, the petitioner had left the place of training on 27.11.1997 and did not report back to work till 03.01.1998. Both the explanations offered by the petitioner, that due to severe backache and since his parents are illiterate, he could not inform the superior officer during this period about the reasons of his absence, are merely excuses. For, even if some one has suffered severe backache, he has ample opportunities of informing the superior officers about the reasons for his absence. However, for the reasons best known to the petitioner, he chose not to inform his superior officers with regard to the reasons for his absence from duty.

Since the petitioner has violated the discipline of the force, the respondents were well justified in imposing the punishment. Therefore, this Court does not find that the punishment is a disproportionate one.

For the reasons stated above, this Court does not find any illegality or perversity in the order passed by the learned

Tribunal. This writ petition, being devoid of any merit, is hereby dismissed. There shall be no order as to costs.

As a sequel, Miscellaneous Petitions, pending if any, stand disposed of as infructuous.

(RAGHVENDRA SINGH CHAUHAN, CJ)

(Dr. SHAMEEM AKTHER, J)

Date: 23.08.2019

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