

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.8041 of 2005

ORDER

This Writ Petition is filed seeking the following relief:

“to issue a writ, order or direction in the nature of Writ of Certiorari calling for records pertains to proceedings No. E2/1(25)/96-ZHB, dated 10-10-1996 issued by the 1st respondent and the consequential proceedings No. PA/26(71)/2002-DVM-SRD, dated 17-04-2003 issued by the 2nd respondent and quash the same by directing the respondent to add the two incremental stages which was deducted from the basic pay of the petitioner and in adding increments 3 months back i.e one increment in the pay scale of the petitioner with arrears w.e.f 10.10.1996 and pay the differences of the pay and to pass such other order or orders as this Honble Court may deem fit and proper in the circumstances of the case.”

Heard Sri S.Rajeshwar Reddy, learned counsel for the petitioner and Sri N.Vasudeva Reddy, learned Standing Counsel appearing for the respondent-Corporation.

It is the case of the petitioner that initially, he was appointed as a Shramik in the respondent-Corporation on 14-01-1992 and he has been discharging his duties to the best satisfaction of his superiors. While so, he had absented to duty from 17.05.1996 to 19.05.1996 and from 29.05.1996 onwards without intimation, due to his ill health. The disciplinary authority construed the same as misconduct and

after conducting enquiry, imposed the major punishment of reduction of his pay by two incremental stages i.e., from Rs.1605/- to Rs.1405/- for a period of two years with cumulative effect *vide* order dated 10.10.1996. Aggrieved by the same, the petitioner has preferred an appeal and the same was rejected *vide* order dated 17.4.2003. Challenging the same, the present writ petition is filed.

Learned counsel appearing for the petitioner submits that the petitioner had absented to duty from 17.05.1996 to 19.05.1996 and from 29.05.1996 onwards, due to his ill health, and to that effect he has also submitted medical certificate from the hospital. But the disciplinary authority without taking into consideration the said certificate, has construed the said absence as misconduct, and imposed the punishment of reduction of his pay by two incremental stages with cumulative effect, which was shockingly disproportionate.

Learned Standing Counsel appearing for the respondent-Corporation contends that the petitioner has neither submitted any explanation for his unauthorized absence nor produced medical certificate and therefore, the disciplinary authority has rightly imposed the punishment

for the proven misconduct in the enquiry and therefore, the Writ Petition is liable to be dismissed.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the view that except the present charges, as no other allegations were levelled against the petitioner in his entire career, the disciplinary authority ought not to have imposed the major punishment of reduction of his pay by two incremental stages i.e., from Rs.1605/- to Rs.1405/- with cumulative effect. Hence, the impugned order dated 10.10.1996 is liable to be modified.

Accordingly, the Writ Petition is disposed of by modifying the impugned order dated 10.10.1996 to that of punishment of reduction of his pay by two incremental stages i.e., from Rs.1605/- to Rs.1405/- without cumulative effect, and without any monetary benefits. No costs.

Miscellaneous petitions, pending, if any shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

27th August, 2019
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