

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

**W.P.No.30133 of 2016**

**ORDER**

**This Writ Petition is filed seeking the following relief:**

“to issue an order, direction or writ more particularly one in the nature of Writ of Mandamus declaring the action of the 2<sup>nd</sup> respondent in issuing the proceedings dated 05-05-2016 in so far imposing punishment of deferment of annual increments for a period of 2 years with cumulative effect and treating the period from the date of removal to till the date of reporting to duty i.e., 5.5.2016 as not on duty for all purposes is illegal, arbitrary, unjust and consequently set aside the proceedings dated 5.5.2016 of the 2<sup>nd</sup> respondent in so far imposing punishment of deferment of annual increments for a period of 2 years with cumulative effect and treating the period from the date of removal to till the date of reporting to duty i.e., 5.5.2016 as not on duty for all purposes and pass such further other order or orders as this Hon’ble Court may deem fit and proper under the circumstances of the case.”

**Heard Sri G.Ravi Mohan, learned counsel appearing for the petitioner and Sri N.Vasudeva Reddy, learned Standing Counsel appearing for the respondent-Corporation.**

**It is the case of the petitioner that he was appointed as Conductor in the respondent-Corporation in the month of September, 2010 and he is discharging his duties as such. While so, the respondent-Corporation issued charge sheet to**

him on 14.10.2015 alleging certain cash and ticket irregularities, for which, he submitted his explanation. But, without considering the same, the respondent-Corporation appointed an Enquiry Officer. Based on the report of the Enquiry Officer, the disciplinary authority has terminated him from service *vide* order dated 11-02-2016. Challenging the same, the petitioner has preferred an appeal and the same was rejected *vide* order dated 08.03.2016. Aggrieved by the same, he preferred revision before the 2<sup>nd</sup> respondent. The 2<sup>nd</sup> respondent while setting aside the termination order, imposed the punishment of deferment of annual increments for a period of two years with cumulative effect and treated the period from the date of removal from service till his reporting to duty 'as not on duty' for all purposes *vide* order dated 05.05.2016. Questioning the same, the present writ petition is filed.

Learned counsel appearing for the petitioner submits that while setting aside the termination order, the 2<sup>nd</sup> respondent-revisional authority ought not to have imposed the punishment of deferment of annual increment for a period of two years with cumulative effect. Learned counsel further submits that the 2<sup>nd</sup> respondent ought to have taken a lenient view and imposed the punishment of deferment of

annual increment for a period of two years without cumulative effect.

Learned Standing Counsel appearing for the respondent-Corporation contends that since the petitioner has committed cash and ticket irregularities, the disciplinary authority had imposed the punishment of removal from service for the proven misconduct in the enquiry. Learned counsel further contends that the revisional authority has taken a lenient view and modified the punishment of removal to that of deferment of annual increments for a period of two years with cumulative effect.

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 2<sup>nd</sup> respondent-revisional authority while setting aside the termination order ought not to have imposed the punishment of deferment of annual increment for a period of two years with cumulative effect.

Accordingly, the Writ Petition is disposed of modifying the punishment imposed by the 2<sup>nd</sup> respondent-revisional authority to that of deferment of annual increment for a period of two years without cumulative effect. No costs.

Miscellaneous petitions, pending, if any shall stand closed.

---

JUSTICE ABHINAND KUMAR SHAVILI

*27<sup>th</sup> August, 2019*  
*rkk*

