

HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.3758 of 2007

DATED : 18.02.2020

Between :

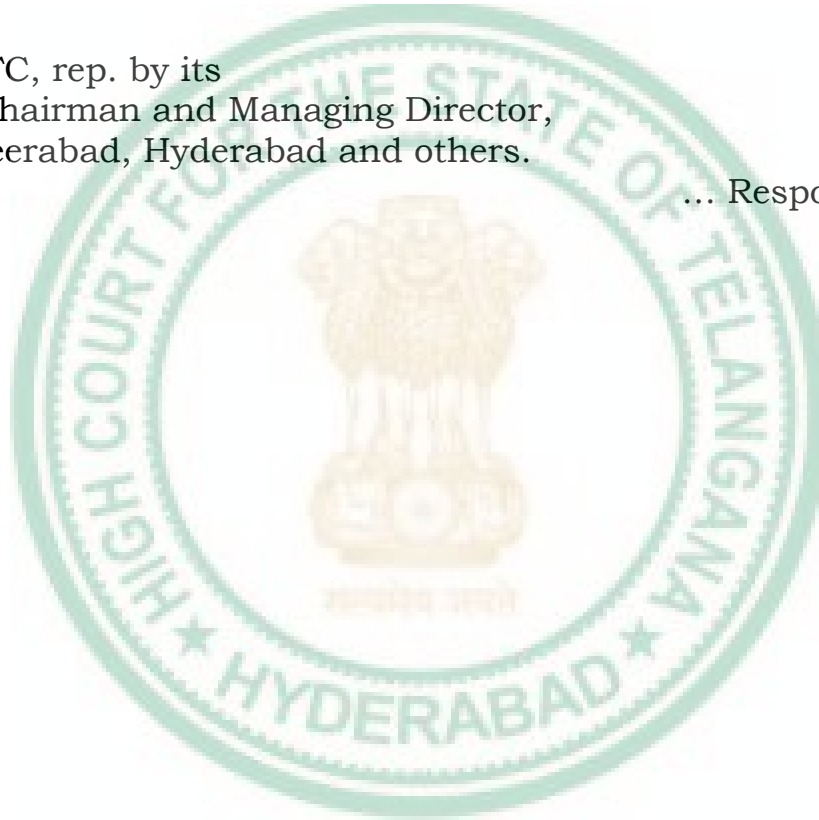
Sri Balraj

... Petitioner

AND

APSRTC, rep. by its
Vice Chairman and Managing Director,
Musheerabad, Hyderabad and others.

... Respondents



The Court made the following :

HON'BLE SRI JUSTICE P. NAVEEN RAO**WRIT PETITION No.3758 of 2007****ORDER:**

The petitioner was working as a Driver in the respondent Corporation. On the allegation that petitioner failed to attend the duties from 23.11.2002 to 14.12.2002 and till the date of report for duties without any intimation or prior sanction of leave and for having left the headquarters without intimation or prior permission of his immediate supervisor, thereby causing loss of legitimate revenues to the Corporation, disciplinary proceedings were initiated against the petitioner resulting in imposing the punishment of removal from service. Aggrieved thereby, the petitioner preferred appeal and the Appellate Authority confirmed the said punishment. In the revision, the Revisional Authority vide order dt.02.04.2005, while upholding the disciplinary action and confirming the delinquency alleged against the petitioner, modified the punishment imposed by reducing the pay of the petitioner in the minimum time scale of Rs.3670-8395, treated the intervening period from the date of removal to till the petitioner reports to duty as 'not on duty' for the purposes like, leave and increments. Challenging the said order dt.02.04.2005 of the Revisional Authority, the present writ petition is filed.

2. From the record, it is apparent that even though, initial Charge Memo fixed the absence period of the petitioner from 23.11.2002 to 14.12.2002, it appears from the Show Cause Notice of removal from service dt.11.03.2003, the petitioner was absent till 11.03.2003 i.e. more than 3 ½ months. In view thereof, the impugned order dt.02.04.2005 passed by the Revisional Authority taking a lenient view and imposing the punishment of reduction in minimum time scale of pay, in modification of the punishment of removal from service, cannot be said as disproportionate to the alleged misconduct and the discretion exercised by the Revisional Authority showing lenience to the petitioner cannot be held as illegal warranting interference by this Court.

3. For the aforesaid reasons, the writ petition merits no consideration and it is accordingly dismissed. No order as to costs.

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

JUSTICE P. NAVEEN RAO

18.02.2020.
Msr

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Msr