

THE HON'ABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.2687 OF 2007

Dated:27.01.2020

Between:

B.Rajendra Prasad S/o Satyanarayana,
Aged about 48 years, R/o D.No.124,
Bhagath Singh Nagar, B Zone,
Post Ramakrishnapur, Adilabad Dist.

..Petitioner

And

The Singareni Collieries Company
Limited (A Government of India Company)
Rep. by its Managing Director,
Kothagudem and another.

.. Respondents



This Court made the following:

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ORDER:

Petitioner joined the respondent-company as Worker-Trainee at ML-IV incline, R.K.Puram on 01.12.1978. He was promoted to the post of Chainman Grade-E, vide proceedings, dated 20.10.1992. On completion of eight (8) years service, he was upgraded as Chainman Grade-D. While so, disciplinary proceedings have been initiated against him alleging that he gave wrong report on 20.10.2005 for opening 23 Rise at 180.9 Mts. instead of 176.6 Mts., in place of allotted work of opening 23 Rise in Dip in 34 LN at 176.6 Mts., for 16 Dip. For the above allegation, domestic enquiry was conducted. Enquiry Officer held that the charge framed against petitioner was proved on the ground that the petitioner himself pleaded guilty. Based on the enquiry, the disciplinary authority, vide proceedings, dated 29.07.2006, imposed punishment of reversion of petitioner from Chainman Grade-D to that of Grade-F (Assistant Chainman) w.e.f. 01.08.2006. On appeal preferred by the petitioner, the same was affirmed. Hence, the Writ Petition.

2. Heard the learned counsel for the petitioner and learned Standing Counsel for the respondents-Singareni Collieries Company Limited.

3. According to learned counsel for the petitioner, the order of reversion of petitioner would amount to double reversion and the same is not permissible and would amount to illegal exercise of power under the authority. According to learned counsel for

petitioner, petitioner was working as Chainman Grade-D, when disciplinary proceedings were taken up. Whereas, by impugned order, the disciplinary authority reverted the petitioner by two stages and the said reversion would amount to double reversion and the same is illegal. In support of his contention, he placed reliance on Standing Order 26 (f) of the Singareni Collieries Company Limited (for short, 'S.O').

4 Though elaborate submissions were made, learned counsel for the petitioner stated that the petitioner would be satisfied, if the reversion by two stages is modified to that of one.

5. Learned Standing Counsel for Singareni Collieries Company Limited sought to contend that what is imposed on the petitioner does not amount to double punishment and there is no post of Chainman Grade-D. Petitioner was working in Chainman Grade-E and he was granted eight (8) years scale in the Chainman Grade-E only. The present reversion is only by one stage.

6. It is not in dispute that the petitioner was promoted to Chainman Grade-E on 20.10.1992 and was later granted up-gradation to eight (8) years scale. By the order impugned, the petitioner was reverted to Chainman Grade-F, which is one stage below Chainman Grade-E. Standing Order 26 (f) of the Singareni Collieries Company Limited reads as under:

“Reversion to a lower stage or a lower grade in a time scale.”

7. The disciplinary authority wanted to impose punishment of reversion from one grade to another grade. The reversion to a lower grade is permissible according to Standing Order 26 (f) of the S.O.

Admittedly, petitioner was working in the eight (8) years scale pay granted to him over and above Chainman Grade-E. Even assuming that there is no post of Grade-D and the petitioner was not promoted to Grade-D, reversion from this stage/grade can be to next lower stage/grade i.e., Chainman Grade-E. It cannot be said that granting of eight (8) years scale would not amount to granting higher grade pay as compared to the grade pay of Chainman Grade-E. Therefore, on a true and proper construction of the provision in Standing Order 26 (f), the impugned order is not sustainable.

8. Learned Standing Counsel for Singareni Collieries Company Limited sought to contend that the allegation made against the petitioner was grave. He would submit that fortunately in time the issue was noticed, otherwise it would have resulted in loss of human life. Therefore, as observed by the disciplinary authority, petitioner was liable for graver punishment, but a lenient view was taken.

9. The Court is not expressing any opinion on this aspect and confining itself to the issue as to whether the punishment imposed now is sustainable having regard to provision in S.O 26 (f) and the grade pay granted to petitioner on the date of imposing punishment.

10. In view of the illegality noticed above, ordinarily the punishment ought to be set aside and matter to be remitted to disciplinary authority to impose appropriate punishment. Be it noted, the Court is not persuaded to hold the disciplinary action as illegal and therefore finding in disciplinary proceedings is

sustained. At this stage, it is apt to note the fair submission of learned counsel for the petitioner. He submits that the petitioner is confining the relief only to the extent of maintainability of the punishment imposed on him and agreeable to modify the punishment. The punishment was imposed on 01.08.2006. Writ Petition was filed in the year 2007. Having regard to this time line and submission of learned counsel for petitioner and to give quietus to the litigation, the Court deems it just and proper to modify the punishment instead of remanding to the disciplinary authority.

11. Thus, while holding the punishment imposed is not sustainable, the same is set aside to the extent of imposing punishment of reversion to Chainman Grade-F and respondents are directed to treat the punishment as reversion to Chainman Grade-E and consequently regulate all benefits as admissible to an employee working in the Chainman Grade-E cadre as and from 01.08.2006. As a consequence, the financial benefits payable to the petitioner shall be worked out and paid to the petitioner within a period of eight (8) weeks from the date of receipt of a copy of this order.

12. The Writ Petition is allowed in-part. There shall be no order as to costs.

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

P. NAVEEN RAO, J

Date:27.01.2020

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