

**HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI
AND
HON'BLE SRI JUSTICE PULLA KARTHIK**

W.P.No.22174 OF 2014

ORDER: *(Per Hon'ble Sri Justice Abhinand Kumar Shavili)*

Aggrieved by the order dated 20.12.2005 passed in O.A.No.7201 of 2003 by the Andhra Pradesh Administrative Tribunal, Hyderabad, the present writ petition has been filed.

2. Heard Sri S.Surender Reddy, learned counsel appearing for the petitioner and learned Government Pleader for Services-II appearing for the respondent Nos.1 to 4.

3. It is the case of the petitioner that he was working as Head Constable and while working as such, the disciplinary authority has initiated disciplinary proceedings against him on the ground that he has refused to receive the Memorandum of Charge about his absence period, not reporting the absence period of some other constables, and also abused his superior officers in a drunken state. After conducting a detailed enquiry, the disciplinary authority has

imposed the punishment of compulsory retirement *vide* proceedings dated 27.04.2001. Later, the petitioner has unsuccessfully preferred the appeal and later, filed revision. The revisional authority has modified the punishment of compulsory retirement to that of reversion to the rank of Police Constable with the pay to be fixed at the lowest of the scale of Police Constable, which will have effect on future increments and pension. Aggrieved by the same, the petitioner has approached the Tribunal by filing O.A.No.7201 of 2003. Without appreciating any of the contentions raised by the petitioner, the Tribunal *vide* order dated 20-12-2005 dismissed the said OA. Hence, the present writ petition.

4. Learned counsel appearing for the petitioner had contended that the revisional authority ought to have set aside the entire punishment of compulsory retirement instead of modifying the punishment to that of reversion to

a lower rank and also fixed the pay in the lowest of the scale which will have future effect on increments and pension. Therefore, appropriate orders be passed in the writ petition by setting aside the order passed by the Tribunal as well as the modified punishment of reversion to a lower rank of the Police Constable with the pay to be fixed at the lowest of the scale of Police Constable, which will have effect on future increments and pension.

5. Learned Government Pleader appearing for the respondents had contended that the petitioner is a member of uniform force and he has abused his superiors and hence the disciplinary authority has rightly imposed the punishment of compulsory retirement for the proven misconduct in the enquiry. However, the revisional authority having taken into consideration the fact that the punishment imposed against the petitioner is too harsh to that of the allegations leveled against him, has modified the punishment to that of

reversion to a lower rank of Police Constable with the pay to be fixed at the lowest of the pay scales which will have effect on future increments and pension. Since the revisional authority has taken a lenient view and modified the punishment imposed against the petitioner, no further leniency can be shown against the petitioner.

6. Having considered the rival submissions made by the learned counsel on either side, this Court is of the view that the Tribunal was justified in dismissing the OA. As admittedly, the revisional authority has taken a lenient view and modified the punishment of compulsory retirement to that of lower rank of Police Constable with the pay to be fixed at the lowest of the pay scales which will have effect on future increments and pension, no further indulgence can be extended to the petitioner. Therefore, this Court is not inclined to interfere with the order passed by the Tribunal as well as the order passed by the revisional authority.

7. Accordingly, the Writ Petition is dismissed. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

JUSTICE PULLA KARTHIK

Date: 02.02.2023
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