HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
(Special Original Jurisdiction)

TUESDAY, THE TWENTIETH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SMT JUSTICE JUVVADI SRIDEVI

WRIT PETITION NO: 40341 OF 2014

Between:

Devaraj, S/o. Late G.Basavaraj, aged 48 years, Occ Conductor, R/o H.No.6-3-252/69/1, Erramanzil Colony, Hyderabad.

...PETITIONER

AND

1. The State of Telangana, Rep by its Secretary, Transport Department, Secretariat, Hyderabad, Telangana.
2. The TSRTC, Represented by its Regional Manager, Secunderabad.

   (As per Court order dated 15.02.2024 vide I.A.No.2/2019 in WP.No.40341/2014 cause title amended)
3. The Divisional Manager, Secunderabad Division.
4. The Depot Manager, Kukatpally Depot.,

   (RR3 and 4 are impleaded as per C.O dt. 30/10/2023 in IA 01/2023)

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ/Order/s more particularly one in the nature of Writ of Mandamus declaring the order dt: 21/8/2013 in Proc No. PA/19E132/ 2013 DVM: SD passed by the Respondent No.3 to the extent of reduction of pay by two incremental stages with cumulative effect, as being illegal, arbitrary and unconstitutional and violative of Article 21 of the Constitution of India.

(Prayer is amended as per C.O dt. 30/10/2023 in IA 02/2023)

I.A. NO: 1 OF 2014(WPMP. NO: 50593 OF 2014)

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the order of reduction of pay by two incremental stages with cumulative effect, pending disposal of Writ Petition.

I.A. NO: 1 OF 2019

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to expedite the date of hearing of W.P.No.40341 of 2014.

Counsel for the Petitioner: SRI V.VENKATA MAYUR

Counsel for the Respondent No.1: GP FOR TRANSPORT

Counsel for the Respondent No.2 to 4: SRI THOOM SRINIVAS, SC FOR TSRTC

The Court made the following: ORDER

THE HON'BLE SMT. JUSTICE JUVVADI SRIDEVI

WRIT PETITION No.40341 of 2014

ORDER:

This writ petition is filed questioning the order dated 21.08.2013 imposing the punishment of deferment of two annual grade increments with cumulative effect.

2. Heard both sides and perused the record.

3. Petitioner was appointed as a Conductor in the respondents-Corporation in the year 1993. On the charge of unauthorized absence, a charge sheet was issued to him calling upon to submit his explanation. Being not satisfied with the explanation offered by the petitioner, an inquiry was conducted and he was removed from service *vide* order dated 26.09.2012, against which, he has filed an appeal and the same was disposed of on 21.08.2013, modifying the punishment of removal from service to deferment of two annual grade increments with cumulative effect. Thereafter, he has filed second appeal, but the same was rejected *vide* order dated 28.03.2014.

4. Case of the petitioner is that his absenteeism from 19.04.2012 to 04.07.2012 was due to his severe ill-health, for which, he has taken

treatment at his native place. It is contended that the inquiry is an *ex parte* one, conducted against the principles of natural justice.

5. On the other hand, it is the case of respondents-Corporation that since the petitioner has absconded unauthorizedly, the impugned order of punishment is passed after conducting inquiry and by considering the entire record, and hence, there is no ground to interfere with the same and accordingly prayed for dismissal of the writ petition.

6. It is not in dispute that the inquiry conducted against the petitioner was an *ex parte* inquiry, in which, the petitioner could not participate due to his ill-health and in spite of the same, the impugned order of removal from service came to be passed without taking into consideration the un-blemished past service of the petitioner and the appellate authority has reduced the punishment of removal to that of stoppage of two annual grade increments with cumulative effect, which is also a major punishment. Taking into consideration the totality of the circumstances, this Court is of the considered view that the punishment of reduction of two annual grade increments with cumulative effect can be modified to that of without cumulative effect.

7. Accordingly, the impugned order dated 21.08.2013 imposing the punishment of stoppage of two annual grade increments with cumulative effect is modified to that of stoppage of two annual grade increments without cumulative effect. The petitioner shall not be entitled to any monetary benefits towards arrears arising out of this order. Further, the interregnum period from the date of removal to the date of reinstatement shall be treated as continuous service, only for the purpose of seniority, without any monetary benefits.

8. With the above directions, the writ petition is disposed of. There shall be no order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

SD/- V. HARI PRASAD
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Secretary, Transport Department, Secretariat, Hyderabad, Telangana, State of Telangana.
2. The Regional Manager, Telangana State Road Transport Corporation, Secunderabad.
3. The Divisional Manager, Secunderabad Division.
4. The Depot Manager, Kukatpally Depot.
5. One CC to SRI V.VENKATA MAYUR, Advocate [OPUC]
6. One CC to SRI THOOM SRINIVAS, SC FOR TSRTC [OPUC]
7. Two CCs to GP FOR TRANSPORT, High Court for the State of Telangana at Hyderabad [OUT]
8. Two CD Copies

BSR

KKS

HIGH COURT

DATED: 20/02/2024

ORDER

WP.No.40341 of 2014



DISPOSING OF THE WRIT PETITION,

WITHOUT COSTS

(11)

15/4/24