

HONOURABLE SMT. JUSTICE V.SUJATHA

WRIT PETITION No.18319 of 2023

ORDER:

The present writ petition came to be filed under Article 226 of the Constitution of India, seeking the following relief:

“ to issue writ order or directions more in the nature of Writ of Mandamus declare the Final order No; M1/2(01)/2018-RDG, dated 5-5-2018 passed by 4th respondent in imposing major punishment of deferment of one year annual increment with cumulative effect without conducting the departmental enquiry and without following APSRTC (CC&A) Regulations and Circular dated; 19-2-1999 of the 2nd respondent corporation as illegal, arbitrary and violation of principles of natural justice and set aside the same including proceedings dated; 24-4-2019 of 3rd respondent with all consequential benefits including restoration of increment with all attendant benefits and payment of arrears and pass such...”

2. Heard learned counsel for the petitioner and Mr. K. Viswanatham, learned Standing Counsel APSRTC appearing for the respondent Nos.2 to 4 and perused the material placed on record.

3. The case of the petitioner is that, he was appointed as a Driver in the year, 1990 in the respondent - Corporation and his service was regularized on 01.08.1992 and is working till now. While so, the 4th respondent herein issued charge sheet dated

28.03.2018 on an allegation that the petitioner had caused fatal accident with bus bearing AP 02Z-0163 by hitting a motor cycle bearing No.AP 02BM-5297 on 14.03.2018 while conducting the service from Bellary to Rayadurg. In turn, the petitioner submitted his explanation dated 08.04.2018 to the charge sheet dated 28.03.2018. It is further contended that the 4th respondent herein issued show cause notice dated 20.04.2018 for deferment of his one annual increment with effect on his future increments and the petitioner submitted his explanation to the same. The 4th respondent herein without following any procedure, conducted the departmental enquiry and passed the final order dated 05.08.2018, by imposing a major punishment of deferment of his annual increment for a period of one year which shall have effect on his future increment and the same was confirmed in appeal and Revision by proceedings dated 25.12.2018 and 24.04.2019 respectively. Hence, the present writ petition.

4. In imposing a major punishment of deferment of annual increment for a period of one year with cumulative effect, learned counsel for the petitioner relied upon a judgment in W.P.No.3545 of 2007, dated 01.11.2018, wherein under similar circumstances, this Court held as under:

“The writ petition is disposed of modifying the punishment imposed by the revisional authority to that of reduction of pay by one incremental stage for one year without cumulative effect, it is made clear that the above modified punishment is without any monetary benefits.”

5. The order passed by the learned Single Judge in W.P.No.3545 of 2007, dated 01.11.2018, was further confirmed in W.A.No.440 of 2019 vide order dated 17.10.2022.

6. Taking into consideration the above said order, this Court feels it appropriate to dispose of this writ petition under similar lines by modifying the punishment imposed by the respondents to that of reduction of pay by one incremental stage for one year without cumulative effect. It is also made clear that the above modified punishment is without any monetary benefits.

7. Accordingly, with the above directions, this writ petition is disposed of. There shall be no order as to costs.

As a sequel, miscellaneous application, pending, if any, shall also stand closed.

JUSTICE V.SUJATHA

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