

APHC010238942016



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3333]

WEDNESDAY, THE TWENTIETH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SMT JUSTICE V.SUJATHA

WRIT PETITION NO: 22957/2016

Between:

DSVSS Rao, S/o Tata Rao, E.G. Dist,

...PETITIONER

AND

The Andhra Pradesh State Road Transport Corporation **...RESPONDENT(S)**
Rep. by its Vice Chairman and Managing Director, and 2
others

Counsel for the Petitioner:

1.RAMA KRISHNA V

Counsel for the Respondent(S):

1.VINOD KUMAR TARLADA (SC FOR APSRTC)

2.S V RAMANA

The Court made the following:

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking the following relief:-

“.....to issue a writ or order or direction more particularly one in nature of writ of Mandamus declaring that the action of 3rd respondent herein in imposing the punishment of deferment of the petitioner's annual increment for a period of 18 years with cumulative effect is bad, arbitrary, illegal, unjust, by setting aside in so far the punishment imposed in proceedings No.02/95(44)/14-RCPM dated 18.06.2015 of the 3rd respondent herein and consequently direct the respondents to restore the deferred increments”

2. The petitioner herein was appointed as conductor on 15.02.1987 in the respondent corporation and was working in the Ramachandrapuram Bus Depot. While so, on 24.04.2014, when the petitioner was working on the route of Vishakapatnam, two passengers have boarded the bus at Kathipudi for Anakapalli, as such the petitioner has issued tickets worth Rs.146/- instead of Rs.162/-. Hence, the petitioner was issued a charge sheet on 10.08.2014 alleging that the petitioner has collected Rs.16/- in dearth by not issuing the requisite ticket. To the said charge sheet, the petitioner has submitted an explanation denying the allegations; subsequent to which an enquiry was conducted and the 3rd respondent *vide* proceedings dated 18.06.2015, has imposed a punishment of withholding the annual grade increments for a period of eighteen (18) months with cumulative effect of postponing the future increments. Aggrieved by the same, the petitioner has preferred an appeal before the Deputy CTM, Rajahmundry wherein the aforesaid order was modified *vide* proceedings dated 16.09.2015 to that of deferment of annual

grade increment for a period of one year with cumulative effect. Challenging the said proceedings dated 16.09.2015, the petitioner has filed a review petition which was rejected on 26.02.2016 by the 2nd respondent. Hence the writ petition.

3. Heard the learned counsel for the petitioner and as well as the learned counsel for the respondents.

4. In view of the above facts and circumstances, this Court feels it relevant to refer to a judgment of this Hon'ble Court in W.P.No.3545 of 2007, dated 01.11.2018, wherein, under similar circumstances, the Court has held as follows:

"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 deferment of annual grade increment for a period of one year without cumulative effect. It is made clear that the above modified punishment is without any monetary benefits. No order as to costs.

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

As a sequel, Interlocutory Applications pending, if any, in this Writ Petition, shall stand closed.

KGR

JUSTICE V.SUJATHA