

THE HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA**WRIT PETITION.NO.24458 OF 2023****ORDER:-**

This Writ Petition is filed under Article 226 of the Constitution of India seeking the following reliefs:-

"to issue writ, order or directions more in the nature of Writ of Mandamus declare Proceedings NO:02/95(01)/2019 KDG, dated 20.2.2019 of the 2nd respondent in imposing major punishment of deferment of one annual increment with effect on future increments without calling petitioner's objections and comments on the enquiry report as illegal, arbitrary and violation of Principles of Natural Justice and Apex Court Judgments and set-aside the same with all consequential benefits, including restoration of one deferred increment and payment of arrears on refixed pay ..."

2. Heard the learned counsel for the petitioner and the learned Standing Counsel for APSRTC.

3. The case of the petitioner, in brief, is that while the petitioner was working at 2nd respondent depot, the respondent issued charge sheet dated 31.01.2019 on the allegation that the petitioner was involved in cash and ticket irregularities case while conducting the service vide route Kalyandurgam to Anantapuram. For which, the petitioner has submitted his explanation on 02.02.2019 denying the charges, but the 2nd respondent without considering the same and without furnishing any reasons for not

satisfaction of his explanation, nominated an Enquiry Officer to conduct departmental enquiry into the alleged charges.

4. The Enquiry Officer, after conducting enquiry, has submitted report holding the charges leveled against the petitioner as proved. Subsequently, the petitioner was issued a show-cause notice dated 11.02.2019 asking him to show cause as to why the proposed major punishment of deferment of his annual increment for a period of One Year with Cumulative effect should not be imposed. Though the petitioner submitted his explanation dated 20.02.2019 to the said show cause notice, without considering the same, ultimately, passed the impugned proceedings dated 20.02.2019 imposing major punishment of deferment of annual increment for a period of one year, which shall have the effect on his future increments and the same was confirmed in appeal, preferred before the Deputy Chief Traffic Manager, Anantapuramu. Hence, the Writ Petition.

5. In view of the above facts and circumstances, this Court feels it relevant to refer to on a judgment of this Hon"ble Court in W.P.No.3545 of 2007, dated 01.11.2018, wherein, under similar circumstances, the following order has been passed:

“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.”

6. 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.

7. 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 of stoppage of annual increment for a period of One Year with cumulative effect to that of stoppage of annual increment without cumulative effect. It is also made clear that the above modified punishment is without any monetary benefits.

8. Accordingly, with the above direction, this Writ Petition is disposed of. There shall be no order as to costs.

As a sequel thereto, miscellaneous petitions, if any pending, shall stand closed.

VENKATESWARLU NIMMAGADDA, J

Date:20.09.2023
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