

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

THURSDAY, THE THIRTIETH DAY OF OCTOBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE NAMAVARAPU RAJESHWAR RAO

WRIT PETITION NO: 19642 OF 2006

Between:

K.J. Reddy, S/o. Govind Reddy, Aged about 44 years, Occ: Conductor,
E No.201627 R/o. 1-1-62, Anjanpuri Colony, Suryapet, Nalgonda District.

...PETITIONER

AND

1. The Regional Manager, APSRTC, Nalgonda.
2. The Divisional Manager, APSRTC, Suryapet Division., Suryapet, Nalgonda District.
3. The Depot Manager, APSRTC, Bus Depot, Suryapet., Nalgonda District.

...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 an appropriate writ, or direction particularly one in the nature of WRIT OF CERTIORARI, and quash the impugned proceeding No. PA/19(98)/05-DVM SRPT dt. 26-11-2005 in so far as reducing the pay by two incremental stage for a period of two years which shall have effect on future increments besides treating the removal period as not on duty as confirmed by the 1st Respondent vide Proceeding No. PA/19(11)/06-RM.N dt. 24-3-2006 as arbitrary unjust, capricious, in violation of Art. 14, 16 and 21 of the Constitution of India and also contrary to Reg. 8 and 9 of the APSRTC C.C. and A Reg. 1967 and consequently grant all the consequential benefits in the interest of justice and fair play.

Counsel for the Petitioner: SRI V. NARASIMHA GOUD

**Counsel for the Respondents: SRI PANAKANTI SATISH KUMAR
(SC FOR TGSRTC ZONE 111)**

The Court made the following: ORDER

1

THE HON'BLE SRI JUSTICE NAMAVARAPU RAJESHWAR RAO

WRIT PETITION No.19642 OF 2006

ORDER:

This writ petition is filed aggrieved by the order dated 24.03.2006 passed by the 1st respondent, who confirmed the order dated 26.11.2005 passed by the 2nd respondent.

2. Heard Sri V. Narsimha Goud, learned counsel for the petitioner, and Sri Panakanti Satish Kumar, learned Standing Counsel for TGSRTC, appearing for the respondents. Perused the material on record.

3. The brief facts of the case are as follows :-

(a) The petitioner was appointed as a Conductor in the respondent Corporation in the year 1987 and his services were regularized w.e.f. 01.07.1989. On 23.04.2005, while the petitioner was conducting a bus service between Miryalaguda and Suryapet, a surprise check was conducted at stage No.7 and a memo was issued to the petitioner on the same day alleging as follows :-

"a passenger who found travelling from stage No.8 and found alighting at stage No.7 with ticket No.410/21800 of Rs.3/- denomination, but the said ticket was not shown accounted in the SR and SR was confiscated."

(b) The petitioner submitted explanation to the said Memo. Not satisfied with the explanation submitted by the petitioner, the 3rd respondent suspended him from service on 03.05.2005 and issued charge-sheet on the same day alleging as follows:-

"For having closed the STAR No.022/383917, dt. 23.04.05 up to stage No.7 though issued the ticket bearing No.410/218100 of Rs.3/- deno., to a passenger who boarded the bus at stage No.8 i.e., Garidepally and Ponugode i.e., stage No.7, without accountal of the said ticket and also punched the stages on 8 & 6 instead of 8 to 7, which shows gross negligence and misconduct on your part under Reg. 28(xxxi) of APSRTC Employees (conduct) Reg. 1963."

(b) The petitioner submitted explanation to the said charge-sheet. Not satisfied with the said explanation, the respondents ordered an enquiry. The Enquiry Officer, after conducting enquiry, held that the charge levelled against the petitioner was proved. Based on the

enquiry report, the 3rd respondent vide proceedings dated 26.08.2005 imposed the punishment of removal from service and that the suspension period was treated as 'not on duty'. Aggrieved thereby, the petitioner filed an appeal before the 2nd respondent, who in turn modified the removal order dated 26.08.2005 passed by the 3rd respondent as reduction of pay by two incremental stages for a period of two years, which shall have cumulative effect on his future increments and that the period from the date of removal till he reports for duty at newly posted depot is treated as "Not on Duty" vide order, dated 26.11.2005. Aggrieved thereby, the petitioner filed a review before the 1st respondent and the same was rejected on 24.03.2006. Challenging the said order, the present writ petition is filed.

4. Learned counsel appearing for the petitioner submits that there is nothing on record to attribute any malafides on the part of the petitioner. The 3rd respondent, without considering the explanation submitted by the petitioner, erroneously passed the

removal order, dated 26.08.2005. On appeal, the 2nd respondent without setting aside the removal order dated 26.08.2005 in its entirety, modified the removal order imposing the punishment of reduction of pay by two incremental stages for a period of two years, which shall have cumulative effect on his future increments. The period from the date of removal till he reports for duty at newly posted depot is treated as "Not on Duty". On review, the 1st respondent, without considering the contentions advanced by the petitioner, erroneously rejected on 24.03.2006.

5. Therefore, learned counsel appearing for the petitioner submits that appropriate orders be passed in the writ petition by setting aside the orders passed by respondent Nos.1 and 2 on 26.11.2005 and 24.03.2006, respectively, and allow the writ petition.

6. The respondents filed a counter affidavit stating that on 23.04.2005, the petitioner issued a ticket from stage No.8 (Garidepally) to stage No.7 (Ponugode), but closed the SR at stage No.7 without accounting for the

said ticket. Further, the petitioner incorrectly punched the stages as 8 and 6 instead of 8 and 7. Therefore, a memo was issued to the petitioner, and a detailed domestic enquiry was conducted, in which the charge was found proved. The petitioner was accordingly removed from service on 26.08.2005. On appeal, the 2nd respondent took a lenient view and reinstated the petitioner into service, while imposing a punishment of reduction of pay by two incremental stages for a period of two years, which shall have cumulative effect on his future increments and that the period from the date of removal till he reports for duty at newly posted depot is treated as "Not on Duty" vide order dated 26.11.2005. A review petition was subsequently rejected by the 1st respondent on 24.03.2006. Aggrieved thereby, the petitioner filed the present writ petition.

7. Learned Standing Counsel appearing for the respondents submits that the disciplinary action taken against the petitioner was lawful and proportionate, and that the enquiry was conducted in accordance with the

principles of natural justice. The petitioner's explanation of inadvertent error was duly considered, and the 3rd respondent rightly imposed the punishment of removal from service. However, the appellate authority by taking a lenient view imposed lesser punishment and the same was also confirmed by the reviewing authority. Therefore, there are no merits in the writ petition and the same is liable to be dismissed.

8. This Court, having considered the rival submissions made by the learned counsel for the respective parties, this Court is of the considered view that a perusal of the record goes to show that the petitioner submitted explanation stating that due to dim roof light and clerical mistake, while closing the SR it was mentioned as '100' instead of '101' in respect of Rs.3/- denomination. The said explanation was not considered by the respondent authorities and imposed the exorbitant punishment i.e., removal from service. Aggrieved by the same, the petitioner preferred an appeal and the same was allowed on 26.11.2005 by observing as follows :-

"As he has been maintaining more or less a clean record all through his service and taking into consideration his family problems and also on humanitarian grounds. I am inclined to give him a chance to serve the Corporation on the hope that he will not repeat such type of mistakes in future. Therefore, the punishment order issued by the DM/SRPT is hereby modified as "reduction of pay by two incremental stages for a period of two years, which shall have cumulative effect on his future increments. Hence, the appeal is allowed to the extent discussed above.

The period from the date of removal till he reports for duty at newly posted depot is treated as "NOT ON DUTY".

9. Aggrieved by the same, the petitioner filed a review and the same was rejected on 24.03.2006. Challenging the said rejection order, the petitioner filed the present writ petition.

10. A perusal of the charge framed against the petitioner goes to show that only one charge is framed against him stating that he had punched the stages 8 and 6 instead of 8 and 7. For the said mistake, the reasons stated by the petitioner in his enquiry report is very much convincing that due to poor dim light, he did a mistake and also he stated that it is only a clerical mistake and with that mistake no financial loss occurred

to the respondent Corporation. In the said circumstances, imposing the punishment of reduction of pay by two incremental stages for a period of two years, which shall have cumulative effect on his future increments is very excessive and disproportionate. If any financial loss occurred to the Corporation or any repeated mistakes occurred due to the negligence of the petitioner, then the authorities can impose such major penalties. But, in the present case, only one charge was framed against the petitioner by the respondent authorities. The mistake was occurred due to dim roof light and based on the track record of the petitioner, imposition of initial punishment of removal from service is highly excessive. Against the removal order, the petitioner filed an appeal and the appellate authority based on the track record of the petitioner, modified the punishment and even that modified punishment is also disproportionate.

11. In view of the foregoing discussion and in view of the clean track record of the petitioner and since there is no financial loss to the Corporation and that only one

charge is framed against the petitioner and as the punishment modified by the appellate authority is disproportionate, this Court is inclined to modify the punishment imposed by the appellate authority i.e. "reduction of pay by two incremental stages for a period of two years, which shall have cumulative effect on his future increments", to that of "punishment of withholding two annual increments, which shall not have effect on his future increments". The finding of the Tribunal treating the period from the date of removal till he reports for duty at newly posted depot as "Not on Duty" holds good.

12. With the above modification, the writ petition is disposed of. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

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SD/-A. SRINIVASA REDDY
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Regional Manager, TSRTC, Nalgonda.
2. The Divisional Manager TSRTC, Suryapet Division,, Suryapet, Nalgonda District.
3. The Depot Manager, TSRTC, Bus Depot, Suryapet,, Nalgonda District.
4. One CC to Sri V. Narasimha Goud, Advocate [OPUC]
5. One CC to Sri Panakanti Satish Kumar (SC for TGSRTC ZONE 111) [OPUC]

Child...

6. Two CD Copies

TJ
BS

JRS

HIGH COURT

DATED:30/10/2025

ORDER

WP.No.19642 of 2006



**DISPOSING OF THE WRIT PETITION
WITHOUT COSTS**

(8) L.JRS
5/3/26.