

**THE HON'BLE SRI JUSTICE N.V. RAMANA**

**Writ Petition No. 6440 of 2007**

**Dated: 30.03.2007**

Between:

A. Subba Rao.

**.... PETITIONER**

AND

The Regional Manager, APSRTC,  
Prakasam region at Ongole and others.

**.....RESPONDENTS**

**THE HON'BLE SRI JUSTICE N.V. RAMANA**

**Writ Petition No. 6440 of 2007**

**Order:**

The petitioner is working as a Driver in the respondents-APSRTC. Disciplinary proceedings were initiated against him, alleging that while he was conducting the bus on 08.03.2005 on route Vijayawada – Kanigiri he committed certain cash and ticket irregularities. Subsequently, based on the report submitted by the enquiry officer, the impugned final order-cum-show cause notice, dated 09.09.2005 was issued. In this, the punishment of stoppage of annual increment for a period of two years with cumulative effect was straight away imposed, and explanation was sought from the petitioner, as to why the period of suspension shall not be treated as not on duty. Aggrieved by the same, the petitioner preferred an appeal before the Divisional Manager, which was rejected. Against the said rejection order, the petitioner filed review petition before the 1<sup>st</sup> respondent, and the 1<sup>st</sup> respondent, by proceedings dated 15.02.2006, modified the punishment imposed by the 3<sup>rd</sup> respondent to that of deferment of annual increment for a period of one year with cumulative effect. Hence, the petitioner filed the present writ petition.

Learned counsel for the petitioner submits that respondent No.3, without furnishing copy of enquiry report and without affording any opportunity of hearing to the petitioner, straight away issued the impugned proceedings imposing punishment of deferment of annual increment for a period of two years with cumulative effect and calling upon the petitioner to show cause as to why the suspension period should not be treated as not on duty, and the review authority also,

without appreciating the same, modified the punishment imposed by the 3<sup>rd</sup> respondent to that of deferment of annual increment for a period of one year with cumulative effect, which is also a major punishment. He further submitted that the issue raised in this writ petition is squarely covered by the orders of this Court in W.P. No. 18299 of 2005, dated 05.09.2005. Learned Standing Counsel for the respondents-Corporation admitted the same. He, however, opposed the relief contending that after considering the entire material on record, the impugned orders were passed, and no interference is called for therewith.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents-Corporation.

The issue raised in the present writ petition is squarely covered by the orders of this Court in W.P. 18299 of 2005, dated 05.09.2005. The operative portion of the said order, reads as under:

*“Strictly speaking, the impugned order deserves to be set aside, and the matter needs to be remanded. However, having regard to the fact that nearly six years have elapsed, this Court does not find it proper, to subject the petitioner to another set of proceedings. Taking the totality of the circumstances, into account, the punishment of stoppage of increment shall be treated, as the one without cumulative effect. However, the petitioner shall not be entitled for any monetary benefit, upto the date of this order, on account of the modification of the punishment.*

*The writ petition is accordingly disposed of. There shall be no order as to costs.”*

Hence, following the orders of this Court in W.P. No. 18299 of 2005, dated 05.09.2005, the present writ petition is also disposed of with the following direction.

The order dated 15.02.2006, passed by respondent No.1, modifying the punishment imposed by respondent No.3, vide his order dated 09.09.2005, to that of deferment of annual increment for a period

of one year with cumulative effect, is further modified to that of stoppage of annual increment without cumulative effect. However, the petitioner shall not be entitled to any monetary benefits arising out of this order, but shall be entitled to fixation of pay only.

Accordingly, the writ petition is disposed of. No costs.

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**N.V. RAMANA, J.**

Date: 30.03.2007

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