

(1998) 12 AP CK 0067
In the Andhra Pradesh High Court
Case No : WA No. 2170 of 1998

Managing Director, APSRTC, Mushirabad, Hyderabad and
others

APPELLANT

Vs

N. Shankaraiah

RESPONDENT

Date of Decision : 21-12-1998

Acts Referred:

Citation : (1999) 2 ALD 96 : (1999) 2 ALT 28

Hon'ble Judges : P. Venkatarama Reddy, Acting C.J.; V. Bhaskara Rao, J

Bench : Division Bench

Advocate : Mr. C.V. Ramulu, SC for APSRTC, for the Appellant; Mr. V. Narasimha Goud, for the Respondent

Judgement

P. Venkatarama Reddy, ACJ.

1. The management of the APSRTC has challenged the order of the learned single Judge in WP No.24143 of 1997. The respondent herein was working as Driver in the respondent-Corporation. He was removed from service by the disciplinary authority with effect from 25-8-1996 on the charge of unauthorised absence from 12-3-1996 to 18-3-1996. On appeal, the appellate authority reinstated him into service as fresh candidate. Questioning that order, the writ petition was filed. The learned Judge having found that the punishment was shockingly disproportionate to the gravity of the charge proved against the respondent-writ petitioner, set aside the order of the disciplinary authority and that of appellate authority modifying the punishment. The learned Judge directed reinstatement with continuity of service and with all consequential benefits. It was further directed that for the period of absence, he shall be granted leave of any kind which was available. Questioning this judgment, the present writ appeal is filed by the Corporation.

2. We find force in the contention of the learned Counsel for the appellants that the charge having been held to be proved, the respondent cannot be let off without any punishment. No doubt the punishment was excessive. The learned

Judge could have, therefore, directed the competent authority to reconsider the question of punishment or the learned Judge could have, if so advised, imposed appropriate punishment. We cannot, therefore, uphold the impugned order in its entirety. However, we agree with the learned Judge that the punishment is highly excessive and shockingly disproportionate.

3. Instead of remitting the matter to the disciplinary authority for fresh consideration at this distance of time, we consider it just and proper to direct appropriate punishment. Having regard to the nature of the charge, we deem it just and proper to deny the back wages to the respondent for the period between the date of removal and the date of reinstatement. Subject to the above modification, the other directions given by the learned Judge will stand. The writ appeal is allowed to this limited extent. No costs.