
(1999) 02 AP CK 0074
In the Andhra Pradesh High Court
Case No : SP No. 1944 of 1999

S.K. Masthan

APPELLANT

Vs

Managing Director, APSRTC and others

RESPONDENT

Date of Decision : 04-02-1999

Acts Referred:

Citation : (1999) 2 ALD 586 : (1999) 2 ALT 109 : (1999) 82 FLR 804

Hon'ble Judges : S.R. Nayak, J

Bench : Single Bench

Advocate : Mr. S.M. Subhan, for the Appellant; Mr. C.V. Ramulu, SC for APSRTC, for the Respondent

Judgement

1. Rule nisi, Sri C. V, Ramulu, learned Standing Counsel for APSRTC took notice for the respondents. With the consent of both parties, the writ petition is heard finally.

2. The petitioner is a Driver in the establishment of APSRTC. The 3rd respondent without holding a regular departmental enquiry envisaged under APSRTC CCA Regulations and APSRTC CCA Conduct Rules, imposed a penalty of denial of two increments with cumulative effect as a disciplinary measure on the petitioner, by proceedings dated 6-12-1994. The petitioner preferred an appeal to the 2nd respondent. That was also dismissed by order dated 18-3-1998. Hence, this writ petition assailing the validity of the disciplinary proceedings and the actions.

3. It is well settled that denial of increments with cumulative effect tantamounts to a major penalty, and such penalty cannot be imposed by the disciplinary authority without holding a regular departmental enquiry in terms of relevant service regulations. In the instant case admittedly no regular enquiry as envisaged under APSRTC CCA. Regulations was held. In that view of the matter I allow the writ petition and quash the impugned proceedings. No costs.