

(1999) 08 AP CK 0036

Andhra Pradesh High Court

Case No: Writ Petition No. 11017 of 1999

D.V.K. Rao

APPELLANT

Vs

Regional Manager, APSRTC and
Others

RESPONDENT

Date of Decision: Aug. 9, 1999

Citation: (1999) 5 ALT 616

Hon'ble Judges: A.S. Bhave, J

Bench: Single Bench

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

Judgement

@JUDGMENTTAG-ORDER

A.S. Bhave, J.

Heard learned counsel for the petitioner and learned counsel for the respondents.

2. Admittedly the petitioner was proceeded against in a departmental enquiry on two charges. The first charge was that he was absent for 140 days during the preceding year and thus was irregular in attendance. Another charge was that he was absent for one day without obtaining proper leave. The Enquiry Officer exonerated the petitioner from the first charge. However, on the second charge the Disciplinary authority found that the said charge was established. The facts of this case are not disputed. The petitioner though was absent for 140 days during the preceding year on the dates of his absence, leave was sanctioned by the appropriate authority. I fail to understand as to how the absence after obtaining proper leave can become an irregular attendance. The only charge against the petitioner that survives is that he was absent for one day without proper sanction from the competent authority. For absence of one day a monstrous punishment of dismissal from service has been imposed on the petitioner. It is true that an appeal lies against the impugned order. However having regard to the facts and circumstances of the case and the punishment is extremely shocking and disproportionate to the

charge levelled against the petitioner, it is needless to send the matter to appellate authority. Learned counsel for the respondents fairly conceded that the matter may be directed to be reconsidered by the disciplinary authority. Hence the impugned order is set aside. It will open for the disciplinary authority to pass appropriate orders after reconsidering the case of the petitioner within a period of six weeks from the date of receipt of a copy of this order.

3. With the above directions the writ petition is disposed of at the ad mission stage itself. No costs.