

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

And

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

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WRIT PETITION No.36551 of 2014

ORDER: (per Hon'ble Sri Justice Ramesh Ranganathan)

The petitioner herein is the applicant before the A.P.A.T. While he was working as a Deputy Mandal Revenue Officer, he was involved in a trap case on 17.09.2002; and, at the instance of A.C.B. officials, the matter was referred to the Tribunal for Disciplinary Proceedings ("TDP" for short) for conducting disciplinary enquiry against him. The TDP conducted a detailed enquiry, and submitted its report to the 1st respondent finding the petitioner guilty of misconduct of involvement in demanding and accepting a bribe. The 1st respondent called for the petitioner's explanation, and on the basis of the report of the TDP, passed final orders, by G.O.Ms.No.712, dated 28.05.2007, dismissing him from service. The appeal preferred by the petitioner thereagainst was also rejected by order dated 30.04.2008. Before initiation of disciplinary proceedings, the petitioner was suspended by order dated 20.09.2002 and was later reinstated into service on 23.02.2005. Aggrieved thereby the petitioner invoked the jurisdiction of the A.P.A.T.

Before the A.P.A.T., the petitioner contended that the allegation that he demanded bribe of Rs.2,000/-, and accepted Rs.1,000/- towards part payment, for granting official favour to one Sri Harijana Jalla Bala Venkatesh for processing the file relating to issuance of D-Form patta for the lands in possession and enjoyment of the complainant's sister, was false; the complainant has thrust the money in his pocket; it was in such circumstances that his finger prints were found on the currency notes; the allegation that he had extended favour is false, as no patta was granted and the matter is pending with the Mandal Revenue Officer; and because of personal enmity a false complaint was lodged resulting in the punishment of dismissal from service being imposed on him. By an elaborate order, the TDP came to the conclusion that the misconduct was established; the petitioner's allegation that the file relating to grant of D-form pattas was recommended by him and was pending with the Mandal Revenue Officer, and there is a previous dispute between him and the complainant, was not supported by any witnesses; the petitioner did not examine any witness in his defence to establish the said

fact; the amount was recovered from the petitioner, and the phenolphthalein test conducted on his hands proved positive; he could not escape the consequences of possessing the tainted notes; the only possible conclusion was that the petitioner had demanded, and had accepted the bribe amount from the complainant; and in corruption cases employees are required to be dealt with seriously. In the light of the circular instructions in this regard, the 1st respondent, after examining the entire material on record, imposed the punishment of dismissal from service on the petitioner.

The A.P.A.T. was of the view that there was no illegality in the procedure adopted by the TDP; there was no violation of principles of natural justice; except his self-serving statement, no evidence was adduced by the petitioner before the TDP in support of his plea that he had recommended grant of D-form patta, and the matter was pending with the Mandal Revenue Officer or there was personal enmity between him and the complainant; and, in the absence of any evidence in this regard, TDP had rightly concluded that the petitioner had demanded and accepted bribe from the complainant, more so when the phenolphthalein test conducted on his hands proved positive.

The petitioner's submission that money was thrust into his pocket is not supported by any evidence on record. The jurisdiction, which this Court exercises under Article 226 of the Constitution of India, is not appellate and this Court would not re-appreciate the evidence on record. It is only if the charges held established are based on no evidence or the findings recorded are perverse, would interference be called for. In the absence of violation of principles of natural justice, and as it is not a case where the findings recorded are based on no evidence or are perverse, this Court would not interfere with such findings in proceedings under Article 226 of the constitution of India.

Learned counsel for the petitioner would also contend that the punishment of dismissal from service is disproportionate to the charges held established. The charges held established against the petitioner is of demanding and accepting a bribe. It cannot be said that the punishment of dismissal from service, for the charge of demanding and accepting a bribe, is shockingly disproportionate to the charges held established against the petitioner, warranting interference by this Court in proceedings under Article 226 of the Constitution of India. We see no reason, therefore, to interfere with the order of the A.P.A.T.

The writ petition fails and is, accordingly, dismissed.
Miscellaneous petitions pending, if any, shall also stand disposed
of. There shall be no order as to costs.

RAMESH RANGANATHAN, J

M.SATYANARAYANA MURTHY, J

20th January 2015.
JSU

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Date: 20.01.2015

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