

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.10343 of 2015

Dated : 25.08.2015

Between:

Ananth Prasad L.Ganeriwal

.. Petitioner

And

The State of Telangana,
R/by its Secretary to Govt.,
Revenue (Endowments) Department,
Telangana Secretariat, Hyderabad
ad four others.

.. Respondents

Counsel for the Petitioner : Sri P.Yadagir Rao

Counsel for the Respondents 1 to 5 : G.P. for Endowments

This Court made the following :

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ORDER :

The petitioner being the recognized hereditary trustee of Sri Sitaram Maharaj Samsthan, Sitarambagh, (for short "Samsthan"), managing the affairs of Samsthan from 1956 to till date. Alleging irregularities in management of the affairs of Samsthan and mal-administration, an enquiry is initiated against the petitioner.

2. By proceedings dt.01.12.2009, the Commissioner, Endowments Department, Hyderabad leveled 25 charges against

the petitioner directing him to submit his explanation and so far, the enquiry is not concluded.

3. The recent proceedings dt.06.02.2015 issued by the 2nd respondent would show that the Special Deputy Collector, Land Protection Cell, Office of the Commissioner, Endowments Department-5th respondent is appointed as enquiry officer and he issued notice on 02.03.2015 informing the petitioner that he would hold enquiry on 11.03.2015. In the said notice, the petitioner was also directed to give wide publicity to receive the witnesses and evidence regarding the 25 charges framed against the petitioner and also to provide all arrangements to conduct the enquiry. Though date was fixed as 11.03.2015 to hold enquiry, the enquiry officer has not commenced the enquiry so far.

4. Learned counsel for the petitioner submits that petitioner has serious apprehension against the manner in which 5th respondent is intending to conduct enquiry and that the notice dt.02.03.2015 stands as testimony to the attitude of the enquiry officer. He further submits that there is no question of involving the public to stand as witness and to give evidence regarding the charges framed against the petitioner and if any person is to be cited as a witness, it must be informed to the petitioner in advance in the form of list of witnesses, who are proposed to be examined to sustain the charges leveled against the petitioner. He also contends that there cannot be any roving enquiry of asking the general public to come and participate in the enquiry.

5. The petitioner, therefore, expressed his apprehension on the impartiality of the enquiry officer in view of the manner in which he was proposing to conduct the enquiry and since he has no faith in

the impartiality of the enquiry officer, he prays for changing of the enquiry officer.

6. Prima facie as seen from the charges framed against the petitioner, since they relate to functioning of the Samsthan, maintenance of accounts, utilization of funds and general administration of Samsthan, the question of involvement of general public or devotees does not arise. Thus the issuance of notice dt.02.03.2015 directing to give wide publicity to invite the persons as witnesses by open notification is unwarranted and it thus shows the attitude of the enquiry officer-5th respondent.

7. It is unfortunate that though serious allegations are leveled against the petitioner as early as in 2009, the enquiry has not been concluded till date and the manner in which the notice was issued by the enquiry officer shows lack of seriousness in conducting the enquiry and concluding the issue.

8. If there is any merits in the allegations leveled against the petitioner, there is no justification to continue such a person in the helm of the affairs of the Samsthan and on the contrary if there is no truth in the allegations, there is no justification to keep such serious allegations and charges pending against the petitioner. Thus in both ways, it is not desirable to keep the enquiry on grave allegations pending for such a long time.

9. Having regard to the above, the Commissioner-2nd respondent is directed to change the enquiry officer and appoint another person as enquiry officer and fix a time frame to conduct enquiry strictly as per the charges already leveled against the petitioner, keeping in mind that there cannot be any roving enquiry

and if any person is to be cited as a witness in support of the charges, the list of witnesses should be communicated in advance to the petitioner. It is further directed that the petitioner shall cooperate and participate in the enquiry and shall not drag on the matter on lame excuses. If it is the opinion of the enquiry officer, now to be appointed in pursuance to the order of this Court, that the petitioner is not cooperating in early conclusion of the enquiry, he shall proceed to conduct enquiry ex parte and conclude the same by recording due reasons, within the time fixed by the 2nd respondent.

10. With the above direction, this Writ Petition is disposed of. There shall be no order as to costs.

11. Miscellaneous petition, if any, pending in this writ petition, shall stand closed.

P.NAVEEN RAO, J

25th August, 2015.

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