

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

AND

THE HON'BLE SMT JUSTICE ANIS

WRIT PETITION NO. 21767 OF 2015

ORDER: *(Per Hon'bel Justice Nooty Ramamohana Rao)*

The writ petitioner approached the Andhra Pradesh Administrative Tribunal and instituted O.A.No.1625 of 2015 challenging the action of the State in not exonerating him from the charges, framed against him through G.O.Rt.No.424 Municipal Administration Urban Development (L1) Department dated 25.03.2013, as was accorded for similarly situated persons.

It is alleged by the State Government that when the writ petitioner functioned as Municipal Commissioner at Karimnagar Municipal Corporation, he has given scope for the allegations of misconduct to be leveled against him. Taking a serious view of the matter, the State Government through their G.O.Rt.No.424 Municipal Administration Urban Development (L1) Department dated 25.03.2013 framed four charges. While the first and the fourth charge are general in nature and content, in that, it was alleged that he had failed to supervise the work of the subordinate staff. In fact, Article No.1 should have been more specific as to whose work has not been supervised properly by the writ petitioner and what that work is all about. Similarly, in Charge No.4, it is alleged that he has failed to discharge his legitimate duties properly and sincerely. There also, the charge-sheet should have been specific as to which duties, the petitioner has failed to discharge properly and legitimately, whereas, Article Nos. 2 and 3 have some serious content in it. Article No.2 spelt out that he had tampered the record. There again, what is that record which has been tampered and what is meant by the expression 'tampering' was also not explained. Whereas, Article No.3 talks of the failure to act on the Court files on time. Therefore, the allegations leveled against the petitioner, at any rate with regard to Article Nos. 2 and 3 are very serious in nature and

content. The claim of the applicant was that when similar allegations were thrown against some other officers who worked as Commissioners of Municipal Corporation, Rajahmundry, the said individuals have been let-off by the State Government.

In disciplinary proceedings, each case depends upon the facts and circumstances prevailing in that very case. There cannot be a hard and fast rule that can be drawn to apply uniformly across to all cases. But however, the criticism that the disciplinary proceedings are not carried forward inspite of nearly 2 ½ years time elapsing therefrom is understandable. Though the learned Government Pleader tried to satisfy us that, because of the intervening circumstances of bifurcation of the State and consequently all files not becoming available to the State of Telangana for them to finalize the action against the petitioner herein, the same offers only justification for a while, but not for the entire period of time. Learned Government Pleader assures this Court that as early as possible, at any rate before the end of February, 2016, the disciplinary proceedings initiated against the petitioner would be taken to their logical end.

In view of the assurance held out by the learned Government Pleader, we hope and trust that every effort and endeavour would be made to complete the disciplinary proceedings as expeditiously as possible, at any rate before the end of February, 2016.

With this, the writ petition stands disposed of. Consequently, miscellaneous applications pending if any shall also stand closed. No costs.

JUSTICE NOOTY RAMAMOHANA RAO

JUSTICE ANIS

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