

HON'BLE SRI JUSTICE R.KANTHA RAO
W.P.No.22502 OF 2015

ORDER

This writ petition is filed seeking to dispose of the representation dated 25.10.2014 made by the petitioner by taking into consideration his acquittal from the criminal case in C.C.No.177 of 2007 on the file of the Additional Judicial Magistrate of First Class at Kandukuru, Prakasam District, as arbitrary and illegal.

Based on the charges of misappropriation, departmental enquiry was held against the petitioner and the same was concluded by imposing punishment of dismissal from service. Parallely, criminal proceedings were initiated in the Court of Additional Judicial Magistrate of First Class, Kandukuru, Prakasam District, which, by judgment dated 31.07.2014, acquitted the petitioner of all the charges.

Learned counsel appearing for the petitioner submits that in view of the order of acquittal passed by the learned Magistrate on the very same charges, the dismissal order passed against the petitioner in the departmental enquiry cannot be sustained.

On the other hand, learned Standing Counsel appearing for the respondent-Bank would contend

that disciplinary proceedings were concluded in 2010 and therefore, the case cannot be reopened now and no relief can be granted by the disciplinary authority.

In the facts and circumstances of the case, the Writ Petition is disposed of leaving it open to the petitioner to make a representation to the disciplinary authority to

re-consider his case and set aside punishment imposed on him in the light of the judgment dated 31.07.2014 in C.C.No.177 of 2007 passed by the Additional Judicial Magistrate of First Class, Kandukuru, Prakasam District. There shall be no order as to costs.

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

JUSTICE R.KANTHA RAO

31st July, 2015
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