

HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH

PRESENT

THE HON'BLE THE CHIEF JUSTICE SRI KALYAN JYOTI SENGUPTA
AND
THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.31403 OF 2014

DATED: 22.01.2015

Between:

Mr. Varla Ramaiah

... Petitioner

And

The Union of India and others

... Respondents

**THE HON'BLE THE CHIEF JUSTICE SRI KALYAN JYOTI
SENGUPTA
AND
THE HON'BLE SRI JUSTICE SANJAY KUMAR**

WRIT PETITION No.31403 of 2014

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ORDER: (per the Hon'ble The Chief Justice Sri Kalyan Jyoti Sengupta)

This Writ Petition has been filed alleging inaction on the part of the second respondent in not considering the petitioner's complaint against the ninth respondent.

At the admission stage, it was brought to our notice that the eleventh respondent – Central Board Direct Taxes, New Delhi, was the competent authority. So, it was impleaded as party respondent.

The petitioner's complaint relates to the act and conduct of the ninth respondent in attending to the political meetings and political party offices and influencing the voters for political gains of the tenth respondent, who is the wife of the ninth respondent, who is the revenue official. According to the petitioner, the rules of conduct do not permit the ninth respondent indulging in such kind of alleged activity.

We have invited counter-affidavit and in the counter-affidavit filed on behalf of the eleventh respondent, it is

stated that after receipt of the comments of the ninth respondent, the eleventh respondent vide proceedings in Ad.VI (A) Section's F.No.C-29016/26/2014-Ad.VIA(part) has submitted to the competent authority a proposal of Election Commission of India for initiation of disciplinary action against Dr. U.Devi Prasad, IRS, Commissioner of Income Tax, Hyderabad, in terms of the Conduct Rules and also for not reporting to the Government about taking part in the Election Process/contesting election by his spouse.

In view of afore-stated fact, we think, this Court should not proceed with any more. We therefore direct the eleventh respondent to take a decision on the proposal as mentioned in paragraph 6 of the counter-affidavit. Such decision may be taken independently and without being influenced by our direction. This order cannot be construed to be a mandate for initiating disciplinary action only for taking independent decision. However, the decision has to be taken objectively with proper application of mind on the given facts and circumstances and the rules in relation thereto. A copy of such decision shall be communicated to the writ petitioner. The entire exercise shall be completed within four weeks from the date of receipt of a copy of this order.

The Writ Petition is disposed of with the above directions and observations. No order as to costs.

Consequently, miscellaneous petitions, if any pending, shall stand closed.

22nd JANUARY, 2015.

K.J. SENGUPTA, CJ

SANJAY KUMAR, J

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