

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.8559 OF 2015

DATED:31.3.2015

Between:

P.V. Srinivasa Prasad

... Petitioner

And

The Disciplinary Authority-cum-

District Judge,

Vizianagaram,

Vizianagaram District

Andhra Pradesh

and others ... Respondents

THE HON'BLE THE CHIEF JUSTICE SRI KALYAN JYOTI SENGUPTA

AND

THE HON'BLE SRI JUSTICE SANJAY KUMAR

-

WRIT PETITION NO.8559 OF 2015

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

We have taken up the writ petition for hearing without inviting any counter affidavit.

The writ petitioner challenged the charge sheet issued by the learned District Judge. Going by the order, refusing to accept the written statement filed by the writ petitioner in answer to the charges, it appears that the refusal was made on the ground of delay in filing the written statement.

Learned counsel for the petitioner says that a separate enquiry was not called for in this matter, as there is nexus with regard to the disciplinary proceedings initiated against petitioner and two others.

As far as the order refusing to accept the written statement on the ground of delay is concerned, we are of the view that it should have been accepted and placed before the Enquiry Officer. Therefore, we set aside the order of the learned District Judge to that extent. We direct the learned District Judge to send the written statement to the Enquiry Officer, as we find in the written statement that the petitioner has stated he has no knowledge of the transactions and another official has practised fraud. Therefore, the petitioner has to be heard and disciplinary proceedings have to be conducted considering his written statement in accordance with law.

As far as the plea for holding common enquiry is concerned, we find that there is no prayer nor any such request was made in the written statement either. Therefore, this prayer is rejected.

We direct the Enquiry Officer to conclude the hearing of the disciplinary proceedings within a period of three months from the date of communication of this order. In the event, despite service of notice, the writ petitioner does not turn up then it would be open for the Enquiry Officer to proceed against the petitioner in his absence. All points are kept open except the plea for holding common enquiry.

With the above directions, the writ petition is disposed of.

Pending miscellaneous petitions, if any, shall stand closed. There will be no order as to costs.

K.J. SENGUPTA, CJ

SANJAY KUMAR, J

31.3.2015

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