

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

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**WRIT PETITION No.21578 of 2015**

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**Between:**

Sate of Andhra Pradesh and others.

... Petitioners

and

P.Moulali

... Respondent

DATE OF JUDGMENT PRONOUNCED: **28.07.2015**

**SUBMITTED FOR APPROVAL:**

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**THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO**  
**AND**  
**THE HON'BLE MRS JUSTICE ANIS**

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|----------------------------------------------------------------------------------|--------|
| 1. Whether Reporters of Local newspapers<br>may be allowed to see the Judgments? | Yes/No |
| 2. Whether the copies of judgment may be<br>marked to Law Reporters/Journals?    | Yes/No |
| 3. Whether their Lordships wish to<br>see the fair copy of the Judgment?         | Yes/No |
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**THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO**  
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**WRIT PETITION No.21578 OF 2015**

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**ORDER:** (per Hon'ble Sri NRR,J)

State is the petitioner. It is aggrieved by the order rendered by the Andhra Pradesh Administrative Tribunal, Hyderabad, in Original Application No.1600 of 2015. The said O.A. has been instituted by the 1<sup>st</sup> respondent herein calling in question the correctness of the order passed on 05.02.2015 imposing punishment of 'censure' against him by the District Educational Officer, Kurnool District, the 4<sup>th</sup> respondent, in the Original Application and the 4<sup>th</sup> petitioner herein.

The case as set up by the 1<sup>st</sup> respondent/applicant before the Tribunal was that while he was working at the relevant point of time as Mandal Educational Officer, Gudur Mandal, Kurnool, he signed certain cheques along with Head Master of the School for the purpose of effecting payments to the contractor to whom the work of construction of school buildings were entrusted. The 1<sup>st</sup> respondent was initially placed under suspension on 20.02.2013 suspecting grave irregularities on his part. The 1<sup>st</sup> respondent has urged that because the contractor, to whom the construction of school buildings has been entrusted, is insisting for payments for the work executed by him so that the next milestone of execution can be achieved. In those set up circumstances, the Head Master of the school, in whose favour the funds have been released, has approached the 1<sup>st</sup> respondent as he was functioning at that point of time as Mandal Educational Officer. Payments to the contractors are required to be made through cross account payee cheques and the said instruments are also required to be signed by two people, one by the Head Master of the school concerned and next the senior most Teacher working in that school. It appears, the senior most school Teacher has certain reservation to

sign the cheque and thus to get over the difficulty created, the Head Master has approached the Mandal Educational Officer, who signed the cheque along with the Head Master. Though it was suspected initially that there was some misappropriation of funds, however, mercifully it was realized that there was no misappropriation of money at all. Payments have been faithfully made to the contractor. However, the 1<sup>st</sup> respondent herein is sought to be penalized on the ground that he ought not to have signed the instruments, where the senior most Teacher of the school concerned is required to sign. Explanation offered by the 1<sup>st</sup> respondent is that he has signed the cheque to get over the bottleneck. The *bona fide* conduct of signing the instrument in question by him has not been appreciated. One of the grounds which the 1<sup>st</sup> respondent urged is that initially enquiry officer was appointed by the District Educational Officer and after conducting enquiry, he submitted a report holding that the 1<sup>st</sup> respondent herein was not guilty of the charge laid against him. After submission of the said report, the District Educational Officer has not finalized the action and instead a second enquiry officer has been appointed to conduct enquiry and based upon his report, punishment of 'censure' was awarded.

In normal circumstances, Courts would be reluctant to interfere with the exercise of discretionary control, so long as such exercise was carried out fairly and reasonably. It would be of no consequence, more so, when the punishment of 'censure' is imposed, that being a minor punishment, which would not have vitiated the employee concerned with any serious or grave consequence. However, the 1<sup>st</sup> respondent appears to be in line for promotion to the post of District Educational Officer. Hence, the order of punishment of 'censure', which will have affect for one year, was found coming in the way in securing such promotion. Keeping the above factors, the Tribunal has allowed the

Original Application. We do not find any serious infirmity committed by the Tribunal in interfering with the said punishment warranting our interference.

However, we need to clarify one aspect with regard to the legal principle. Long years ago, the Honourable Supreme Court in **K.R.DEB V. THE COLLECTOR OF CENTRAL EXCISE, SHILLONG**<sup>[1]</sup> has clearly pointed out that conducting repeated enquiries is not warranted by the scope of the Rules, as that would amount to harassing the employee concerned. Classification, Control and Appeal Rules contemplate further enquiries to be conducted in certain circumstances, but, that provision does not mean repeated enquiries by different agencies can be got conducted, till such time an unfavourable report against the employee is submitted. The view taken by the Tribunal, in fact, is in conformity with the principles enunciated by the Honourable Supreme Court in **K.R.DEB's case**, though the Tribunal has not noticed the said judgment. Hence, we do not find any warrant to interfere with the order rendered by the Tribunal and accordingly, we dismiss this Writ Petition, however, in the circumstances without costs.

Miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

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**NOOTY RAMAMOHANA RAO, J**

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**ANIS, J**

**JULY 28, 2015**  
YVL

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**YVL**

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[\[1\]](#) AIR 1971 Supreme Court 1447