

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

THE HON'BLE SRI JUSTICE G. SHYAM PRASAD

WRIT PETITION No.952 OF 2004

ORDER: (Per Hon'ble Sri Justice V. Ramasubramanian)

The petitioner has come up with the above writ petition challenging an order of the Andhra Pradesh Administrative Tribunal dismissing his challenge to an order of penalty.

Heard Mr. N. Ashwani Kumar, learned counsel for the petitioner, and the learned Government Pleader for Finance and Planning.

When the petitioner was working as Senior Account in the District Treasury Office (DTO), Mahaboobnagar, a trap was laid on a complaint given by one Senior Inspector and Accountant in the District Co-operative Audit Office, alleging demand of illegal gratification for passing five Leave Travel Concession bills. The trap was laid on 30.05.1988. Though it did not result in recovery of the money, the matter was referred to the Tribunal for disciplinary proceedings.

Before the Tribunal for disciplinary proceedings, 11 witnesses were examined on the side of the prosecution and 21 documents as well as 8 material objects were marked. The petitioner himself examined two witnesses on his side and marked 16 documents.

By a detailed report, dated 25.04.1990, the Tribunal for disciplinary proceedings held the charge of demand and acceptance of illegal gratification to have been proved.

After furnishing a copy of the report, the petitioner was imposed with a penalty of reversion to the post of Junior Accountant for a period of

5 years. To the good fortune of the petitioner, the petitioner was not imposed with either the penalty of removal or dismissal from service. However, the petitioner challenged the order of penalty before the Tribunal and the Tribunal rejected the challenge. Hence, he is before us.

Mr. N. Ashwani Kumar, learned counsel for the petitioner, strenuously contended that there was absolutely no evidence to hold the charge proved against the petitioner and that even the tainted currency was not recovered from him. But, a careful perusal of the enquiry report would show that the findings cannot be said to be perverse. It appears that upon receipt of the money, the petitioner went out. When he came back, tainted money was not there. But the circumstances surrounding the trap were believed by the enquiry officer to come to the conclusion that there was demand and acceptance.

In any case, PW.1, who was the complainant, stuck to his stand of demand. His evidence could not be impeached. Therefore, the Tribunal was right in not interfering with the order of penalty. Hence, the writ petition is dismissed.

As a sequel, miscellaneous petitions, if any, pending in this writ petition, shall stand dismissed as infructuous.

V. RAMASUBRAMANIAN, J

G. SHYAM PRASAD, J

Date: 21-12-2016.
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(Order of the Division Bench delivered by
Hon'ble Sri Justice V. Ramasubramanian)

Date. 21-12-2016

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