

THE HON'BLE SRI JUSTICE A.V. SESA SAI

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WRIT PETITION No.11285 OF 2016

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ORDER:

The grievance of the petitioner in the present Writ Petition is non-conclusion of the disciplinary proceedings initiated against the petitioner herein pursuant to the charge memo vide proceedings No. 11833/Vig(3)/APSHCL/KRL/2008, dated 30.01.2010.

2. Heard Sri M.Srinivasa Rao, learned counsel, appearing for the petitioner, learned Government Pleader for Housing, appearing for the 1st respondent and Sri T.Sudhakar Reddy, learned standing counsel, appearing for the 2nd respondent, apart from perusing the material available on record.

3. Petitioner herein, while working as a Deputy Executive Engineer, retired from the service of the 2nd respondent on 30.07.2015. While, he was in service, he was served with a charge memo on 20.01.2009 and to which, an explanation was also submitted by him on 30.01.2009 and thereafter, not satisfied with the enquiry report submitted by the enquiry officer, the Disciplinary Authority issued another charge memo on 30.01.2010 and in response to the same, petitioner offered his explanation on 08.03.2010. Subsequently, enquiry was conducted and on 15.04.2010, enquiry officer also submitted an enquiry report and basing on the said enquiry report, a show-cause notice was issued on 11.06.2010. In response to the said show-cause notice, petitioner herein submitted his reply on 03.08.2010.

4. In the above background, the grievance of the petitioner is that despite the submission of reply as long back as on 03.08.2010 to the show-cause notice, no orders have been passed by the respondents herein. It is also the submission of the learned counsel that the State

Government vide letter No.3834/Vig.Cell-A2/2013-1, dated 28.11.2013, requested the 2nd respondent herein to furnish the report on the representation made to the State Government by the petitioner herein.

5. The material available before this Court manifestly discloses that though the enquiry officer submitted a report long back and the petitioner herein submitted a reply on 03.08.2010, in response to the show-cause notice dated 11.06.2010, no orders have been passed by the 2nd respondent on the disciplinary enquiry initiated against the petitioner herein.

6. This Court does not find any justification on the part of the 2nd respondent in not concluding the enquiry against the petitioner even after his retirement.

7. For the aforesaid reasons, Writ Petition is disposed of, directing the 2nd respondent herein to pass final orders on the enquiry initiated against the petitioner herein pursuant to the charge memo vide proceedings No.11833/Vig(3)/APSHCL/KRL/ 2008, dated 30.01.2010, within a period of two months from the date of receipt of a copy of this order.

8. Miscellaneous petitions pending consideration, if any, in the Writ Petition shall stand closed in consequence. No order as to costs.

A.V.SESHA SAI, J

06.04.2016
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