

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

WP.No.37190 of 2016

ORDER :

Heard the counsel for petitioner, the learned Government Pleader for Services for respondents.

2. The petitioner has filed this Writ Petition assailing the order dt.23.09.2016 of the 1st respondent holding that petitioner had misappropriated amount of Rs.8,67,776/- during her tenure period as Special Officer, KGBV, Garla, and directed recovery of the said amount from her salary and also to initiate disciplinary action against her.

3. The principal contention of petitioner is that on the basis of certain audit reports charge-memo was issued to petitioner on 11.01.2012, and though the petitioner by a letter dt.08.02.2012 requested the 1st respondent to furnish copies of those audit reports, the petitioner's request was not acceded to; and treating that petitioner had no response to offer to the charge-memo, the impugned order was passed placing reliance on the internal audit reports.

4. The counsel for petitioner has referred to a letter dt.06.01.2015 addressed by petitioner to 1st respondent which refers to the letter dt.08.02.2012 of petitioner seeking copies of the audit reports so that

she may supply a detailed explanation with regard to the findings therein.

5. A reading of the impugned order makes no reference to such a request of petitioner and also does not indicate whether the internal audit reports on the basis of which the charges were framed against petitioner were furnished to petitioner or not.

6. The learned Government Pleader for Services (Telangana), appearing for respondents, submitted that since the impugned order does not disclose furnishing of audit reports sought by petitioner to petitioner before passing of the impugned order, the impugned order be set aside and the 1st respondent be directed to furnish the said audit reports to petitioner and then pass an appropriate order after considering the petitioner's explanation on receipt of such audit reports from the 1st respondent.

7. In view of the fair submission of the learned Government Pleader for Services (Telangana), the Writ Petition is allowed and the impugned order dt.23.09.2016 issued by 1st respondent is set aside; the 1st respondent is directed to furnish to petitioner within a period of four (04) weeks from the date of receipt of a copy of this order, copies of the reports of internal audit on the basis of which the charge-memo dt.11.01.2012 was issued to petitioner; within four (04) weeks from the date of receipt of the said audit reports, the petitioner shall submit a detailed explanation to 1st respondent on the charges; the 1st

respondent shall consider petitioner's explanation and conduct enquiry as per applicable regulations, and pass final order in the matter.

8. If the petitioner does not furnish explanation to the charge-memo within the period of four (04) weeks from the date of receipt of audit report from 1st respondent, the impugned order will stand.

9. Accordingly, the Writ Petition is allowed as above. No order as to costs.

10. As a sequel, miscellaneous petitions pending if any in this Writ Petition, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 01-11-2016

Ndr/*

