

**HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND**

HON'BLE SRI JUSTICE M.S.K.JAISWAL

WRIT PETITION No. 15315 OF 2016

Date: 28.04.2016

Between:

B. Ratnakar,
Hyderabad.

..... Petitioner

And:

The State of Andhra Pradesh,
Rep. by its Principal Secretary,
Home (SPF), Secretariat,
Hyderabad, and others.

.....Respondents

Counsel for the Petitioner: Sri Raghu Mannepally for Sri P.V. Rao

Counsel for Respondents: G.P for Services (AP)

The Court made the following:

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ORDER *(Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)*

This writ petition is filed for a certiorari to quash order dated 31.03.2016 in O.A.No.1238 of 2016 on the file of the Andhra Pradesh Administrative Tribunal at Hyderabad (for short 'the Tribunal').

The petitioner while working as Sub Inspector of Police, Andhra Pradesh Special Protection Force at Nagarjuna Sagar Tailpond, departmental proceedings were initiated against him for alleged misconduct and a charge memo was issued against him. The Director General of Andhra Pradesh Special Protection Force, appointed one DNA Basha, Commandant, Andhra Pradesh Special Protection Force, Rajahmundry Zone, as the Enquiring Authority to enquire into the charges framed against the petitioner. The petitioner submitted a representation to the State of Andhra Pradesh stating that as there is animosity between himself and the Enquiry Officer, the latter may not conduct enquiry fairly and that therefore, he may be changed with someone else. This representation was rejected by the Director General of Andhra Pradesh Special Protection Force. Feeling aggrieved thereby, the petitioner filed the abovementioned O.A. After hearing the learned counsel for the petitioner, the Tribunal dismissed the O.A.

The petitioner pleaded that previously one B.V. Rami Reddy and DNA Basha, Commandant, have forced and coerced him to submit a request for voluntary retirement and that after submission of such request, he has made a representation to respondent No.1 to allow him to withdraw the same. That considering the said representation, respondent No.1 has passed order on 05.03.2016 allowing the petitioner to withdraw his request for voluntary retirement giving the place of posting. As pointed out by the Tribunal, the petitioner has not filed any material in support of his plea that he has made an allegation against DNA Basha in the context of the petitioner being forced to send letter seeking voluntary retirement. The petitioner has not filed the representation based on which order dated 05.03.2016 was passed by respondent No.1 permitting him to

withdraw the request for voluntary retirement. Even the said order also does not contain reference to any individual including DNA Basha threatening and coercing the petitioner to submit a letter for voluntary retirement. Therefore, in our opinion, the request of the petitioner for change of enquiry officer cannot be entertained based on an apprehension of bias, without any material in support of the allegation of such bias. Hence, the Tribunal has rightly dismissed the O.A and we do not find any reason to interfere with its order.

The writ petition is accordingly dismissed.

As a sequel, W.P.M.P.No.18979 of 2016 filed by the petitioner for interim relief stands disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

M.S.K.JAISWAL, J

Date: 28.04.2016

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