

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

WRIT PETITION No.6419 of 2016

ORDER:

This writ petition, filed under Article 226 of the Constitution of India, challenges the proceedings No.M1/114(12)/2015-RDG, dated 19-02-2016 issued by the Depot Manager, Rayadurg Depot, Anantapur District.

Heard, Sri S.D. Gowd, learned counsel for the petitioner and Sri A. Rama Rao, learned Standing Counsel for respondents.

The respondent corporation initiated departmental enquiry against the petitioner. Pursuant to the primary enquiry report a charge sheet was issued on 03-11-2015 and thereafter in response to the same the petitioner submitted explanation on 16-11-2015 and subsequently the Enquiry Officer submitted a report on 18-01-2016 and the respondent authorities called for objections/comments on the said enquiry report from the petitioner and in response to the same the petitioner submitted objections/comments on 02-02-2016. Subsequently, the respondent corporation issued a show cause notice of removal from service vide proceedings No.M1/114(12)/2015-RDG, dated 19-02-2016. The said show cause notice is impugned in the present writ petition.

It is submitted by learned counsel for the petitioner that basing on a false complaint lodged against the petitioner the respondent authorities enquired into the matter and any action pursuant to the same is un-warranted. It is further submitted by

learned counsel for the petitioner that there is absolutely no evidence to prove the allegations against the petitioner and the 3rd respondent mechanically issued the proceedings without considering the evidence on record.

On the contrary, it is submitted by learned Standing Counsel for respondent corporation that the present writ petition filed against the show cause notice is not maintainable under Article 226 of the Constitution of India and the petitioner herein is not entitled for any relief from this Court and it is always open for the petitioner to respond to the impugned show cause notice by way of filing explanation.

As rightly pointed out by the learned Standing Counsel for respondent corporation the impugned notice is merely a show cause notice issued by the Depot Manager basing on the enquiry proceedings. It is not the case of the petitioner herein that the respondent authorities have no jurisdiction and in absence of the same this Court is not inclined to interfere with the proceedings.

For the aforesaid reasons, the writ petition is dismissed, however, with a liberty to the petitioner herein to submit explanation to the impugned show cause notice, dated 19-02-2016 within a period of one week from the date of receipt of a copy of this order. In the event of failure to submit explanation within the time stipulated above, it is open for the respondent authorities to proceed, in accordance with law.

Miscellaneous Petitions pending, if any, shall stand closed.

There shall be no order as to costs.

A.V. SETHA SAI, J

March 01, 2016

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