

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION No.1976 of 2013

ORDER:

Heard the learned counsel for petitioner and the learned Standing Counsel for respondents.

2. The petitioner was appointed as a Sub-Inspector in the Railway Protection Force on 10.06.1991 and thereafter he was promoted as Inspector in the month of April, 2005. While so, Crime No.9 of 2011 was registered under Section 3(a) of the Railway Property Unlawful Possession Act, 1966 and in the said crime, the petitioner was arrayed as accused No.21. Simultaneously, departmental proceedings were initiated against the petitioner. However, when the departmental proceedings were continued, the present writ petition was filed challenging the same on the ground that criminal case was pending.

3. This Court, by order dated 20.02.2013 while admitting the writ petition, directed that disciplinary proceedings against the petitioner may go on, but the same shall not be finalized until further orders.

4. Now a counter-affidavit is filed on behalf of the respondents stating that charge sheet was issued on 08.02.2012 while the petitioner was working at Guntakal. Subsequently, the petitioner was transferred to Nanded division. An enquiry officer was appointed and the enquiry proceedings were also concluded. The charges mentioned in the departmental proceedings are distinct from the charges in the criminal case.

5. The learned counsel for the petitioner submitted that the

petitioner was acquitted in the criminal case, but the learned Standing Counsel for the respondents submits that in view of the conclusion of the enquiry by the department, necessary liberty shall be given to the respondents for passing appropriate orders consequent to the conclusion of enquiry.

6. In the circumstances, the writ petition is disposed of giving liberty to the respondents to pass appropriate orders in accordance with law pursuant to the enquiry against the petitioner by the department. No order as to costs. Miscellaneous Petitions, if any, pending in this writ petition shall stand closed.

A. RAMALINGESWARA RAO, J

Date: 14.07.2016
TJMR