

**THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND
THE HON'BLE SRI JUSTICE M.S.K.JAISWAL**

WRIT PETITION No.12686 of 2016

Dated: 21.04.2016

Between:

The Divisional Forest Officer, Chittoor (East),
Wild Life Division, Chittoor, Chittoor District,
and others.

.. Petitioners

And

Y. Subramanyam and another.

.. Respondents

Counsel for the Petitioners: Government Pleader for Services (A.P)

Counsel for the Respondent No.1: Mr. P.V.Ramana

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This Court made the following:

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

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This writ petition is filed by the State of Andhra Pradesh and its Forest officials feeling aggrieved by order dated 16.12.2015 in O.A.No.7460 of 2013 with V.M.A.No.2519 of 2013 and C.A.No.1 of 2015 on the file of the Andhra Pradesh Administrative Tribunal at Hyderabad (for short 'the Tribunal').

Respondent No.1 was the Assistant Beat Officer under the control of petitioner No.1. Following the preliminary enquiry, a charge memo was issued comprising two charges. An Enquiry Officer and Presenting Officer were appointed and, based on the enquiry report, an order of dismissal of respondent No.1 from service was passed by petitioner No.1. Assailing the same, respondent No.1 filed the above-mentioned O.A. The Tribunal allowed the O.A mainly on the ground that the person i.e., Forest Range Officer, Srikalahasti Range, who was working as such in Kuppam Range at the relevant point of time, was appointed as Presenting Officer, that he along with the Sub-Divisional Forest Officer, Tirupati, who was appointed as Enquiry Officer and submitted report in the preliminary enquiry, based on which the disciplinary proceedings were initiated, were shown as witnesses in the article of charges. While setting aside the order of dismissal on the above grounds, the Tribunal has, however, left the petitioners free to conduct a fresh enquiry.

At the hearing, the learned Government Pleader for Services for the State of Andhra Pradesh has not disputed the above noted facts found by the Tribunal.

In our opinion, the Tribunal was justified in holding that the whole enquiry was vitiated on the above grounds, namely, that the Officer, who submitted preliminary enquiry report, himself was appointed as Enquiry Officer, besides himself and the Presenting Officer having been cited as witnesses, though they may not have been examined in the enquiry. Hence, we do not find any error in the order of the Tribunal. The petitioners are, however, permitted to hold a fresh enquiry on the basis of

the same article of charges by changing the Enquiry Officer and Presenting Officer, complete the enquiry and pass a final order within three months from the date of receipt of this order. Till this process is concluded, *status quo* as on today shall be maintained. Further, since the order of dismissal is set aside, respondent No.1 is deemed to be under suspension and the petitioners shall pay the subsistence allowance prospectively to respondent No.1.

The Writ Petition is, accordingly, disposed of. As a sequel to the disposal of the writ petition, WPMP.No.15906 of 2016 filed by the petitioners for interim relief stands disposed of as infructuous.

C.V.NAGARJUNA REDDY,J

M.S.K.JAISWAL,J

21.04.2016
v v