

**IN THE HIGH COURT OF JUDICATURE, AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA PRADESH**

HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION NO. 1081 OF 2016

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Between:

Acha Anjaiah

....Petitioner

A n d

The Singereni Collieries Company Limited and three others

....Respondents

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DATE OF DISPOSAL: 03.02.2016

HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION NO. 1081 OF 2015

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ORDER:

Disciplinary proceedings are initiated against the petitioner vide charge sheet dated 12.12.2015. The substance of the allegation is that the petitioner has signed the Will Deed as if stood as witness duly executed on 30.3.2008. Relying on the said will, the petitioner claiming himself to be the adopted son of Late Earla Lingaiah, filed O.S.No. 26 of 2009 on the file of Senior Civil Judge, Asifabad, claiming that though Earla Lingaiah had no issues during his life time, Earla Lingaiah and his wife had taken adoption of one Earla Chandra Shekar. It is alleged that the petitioner knowingly authenticated for such a false Will, which ultimately resulted in passing of decree and based on decree illegal payment of terminal benefits was made to the ineligible person. Holding that allegations made against him are grave, the petitioner was also placed under suspension with effect from 14.12.2015. The petitioner filed his explanation on 18.12.2015. Challenging the impugned proceedings dated 12.12.2015 this Writ Petition is filed.

2. Learned counsel for the petitioner contends that what is alleged in the charge sheet is directly relatable to the decree passed in O.S.No.26 of 2009. Petitioner did not even give false deposition before the Civil Court. It is alleged only that he stood as witness to the alleged execution of Will by late Earla Lingaiah. Whether a Will was falsely claimed and basing on the said Will the amount was paid to a wrong person is a matter of civil dispute. It is for the Competent Court to consider such illegalities being made during the pursuasion of litigation before the competent Court. It is also for the aggrieved parties to challenge the decree passed by the competent Court if the decree was so obtained by playing fraud. Petitioner has not committed any illegality during the course of his employment and therefore, the proceedings initiated by the disciplinary authority against the petitioner are illegal.

3. Learned counsel further contended that there is no justification to place the petitioner under suspension. Petitioner has neither committed theft nor played fraud nor his action was dishonest warranting placing the petitioner under suspension. The petitioner being a General Mazdoor, there is no scope for him to indulge in tampering of evidence. Therefore, suspension is unwarranted.

4. Learned Standing counsel vehemently opposed the claim of the petitioner. According to him prima-facie, material on record would support the action taken against the petitioner and therefore, no interference is called for.

5. It is not the case of the petitioner that the authority who initiated disciplinary proceedings is not competent. It is also not the case of the petitioner that suspension is made by incompetent authority. At the stage of framing of charge against an employee, what is required by the disciplinary authority is prima-facie satisfaction of the allegations leveled. It appears from the reading of charge sheet that petitioner stood as witness to the alleged execution of Will dated 30.3.2008 and basing on the said Will suit was executed by Earla Chandrasekar claiming himself to be the adopted son of Earla Lingaiah, farmer employee and obtained decree before the competent Court. Basing on the said decree, the amounts accrued to the account of Earla Lingah was paid. The dispute alleges that the petitioner knowingly subscribed a Will which was never executed and he is a party to the fraud being played by the false claim. He is not the adopted son and could not have been adopted by the deceased employee when the deceased employee had a daughter. The charge sheet also discloses that the deceased employee was survived by his only

daughter. The disciplinary authority views such action of petitioner as misconduct. Whether there is any justification in making such allegations and whether the petitioner has valid defence is the subject matter of enquiry. At the stage of framing of charges, the disciplinary authority cannot weigh the pros and cons of the allegations. It is for the petitioner to submit his explanation and place all the relevant material before the disciplinary authority and it is for the disciplinary authority to consider the stand of the petitioner.

6. As the charge is based on prima-facie assumption of the disciplinary authority of the alleged mis-conduct, the Court cannot go into the merits of the allegations, appreciate the evidence on record and come to a conclusion even before the disciplinary proceedings are conducted and concluded.

7. According to the assessment of the disciplinary authority, the charges leveled against the petitioner are grave. Therefore, he is also placed under suspension. As the suspension is based on the material available on record, it cannot be said that the disciplinary authority has exceeded his jurisdiction and that there was no application of mind before placing the petitioner under suspension.

8. The petitioner has submitted his explanation on 18.12.2015 Having regard to the nature of allegations and the defence of the petitioner, justice would serve if the disciplinary authority is directed to conclude the disciplinary proceedings as expeditiously as possible, preferably within a period of six (6) weeks from the date of receipt of copy of this order, subject to the petitioner cooperating with the disciplinary authority. For any reason, the disciplinary proceedings are not concluded and the delay in conclusion of the disciplinary proceedings is not attributable to the petitioner, the disciplinary authority shall review the suspension and shall consider the desirability of further continuation of the petitioner under suspension.

9. Subject to above directions, the writ petition is dismissed. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand dismissed.

P. NAVEEN RAO, J

Date: 03.2.2016

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Note: Furnish copy in two days.