

HONOURABLE SRI JUSTICE M.S.K. JAISWAL

WRIT PETITION No. 2172 OF 2007

ORDER:

The petitioner was appointed as Manager in the Andhra Pradesh Society for Training and Employment Promotion, Secunderabad, second respondent herein, on 22.07.1991. While he was working as Chief Executive Officer in full additional charge at Society for Employment and Training, Warangal, he was suspended by proceedings dated 30.01.2001 of the second respondent on account of certain grave irregularities alleged to have been committed by him relating to misappropriation of Government funds. A charge sheet dated 5.8.2002 was served on the petitioner, to which, he submitted his explanation on 25.09.2004. However, the second respondent revoked the suspension by proceedings dated 11.4.2005 and reinstated him in service pending finalization of enquiry. The petitioner was once again placed under suspension, however, pursuant to the orders of this Court, he was reinstated in service. Thereafter the enquiry initiated pursuant to the charge sheet dated 5.8.2002 has been concluded and disciplinary proceedings by the second respondent are awaited. While so, the third respondent issued proceedings dated 25.01.2007 directing the petitioner to appear before him on 6.2.2007 for re-enquiry as directed by the second respondent through proceedings dated 11.12.2006. Questioning the proceedings dated 25.01.2007, the present Writ Petition is filed.

This Court while admitting the Writ Petition on 06.02.2007, stayed the de novo enquiry ordered pursuant to the proceedings dated 25.01.2007. However, on 20.10.2008, the said order was modified to the effect that the de novo enquiry should go on, but no final orders should be passed.

The second respondent filed a counter affidavit averring that pursuant to the order of this Court dated 20.10.2008, the de novo enquiry initiated against the petitioner was concluded and the Enquiry Officer submitted his enquiry report on 19.02.2011. After considering the enquiry report and the objections submitted by the petitioner to the enquiry report, it was informed by the second respondent to the first respondent-Government to drop further action against the charged officer/petitioner vide letter No.3320/APSTEP/A/2011, dated 11.06.2014. It is further stated that pursuant to the order of this Court dated 20.10.2008, no final orders are being passed. It is apt to extract the averments made in paras 3 and 4 of the Counter affidavit, which read as under:

“3 It is further submitted that Enquiry Officer’s report referred above is examined carefully and keeping in view the objections/representation submitted by Charged Officer all are taken into consideration and it was informed to Government (Respondent-1) to drop further action against the charged Officer/petitioner vide Lr. No.3320/APSTEP/A/2011, dated 11.06.2014 of Managing Director, TSSTEP.

4. It is further submitted that the final order/orders are not passed with regard to Charged Officer/petitioner for the reason that the Honourable High Court had directed that

‘the DENOVA enquiry contemplated in the impugned proceedings may go on, but no final orders shall be passed until further orders’.”

In view thereof, it is now represented that enquiry has been completed exonerating the delinquent employee, but however, in view of the orders of the High Court not to pass final orders, no final orders are being passed.

Having regard to the subsequent developments stated hereinabove, the respondent authorities are directed to pass appropriate final orders in the matter keeping in view the averments made in paragraphs 3 and 4 of the counter affidavit filed by the second respondent-the Managing Director, Telangana State Society for Training and Employment Promotion (TSSTEP), Secunderabad, and also letter No. 3320/APSTEP/A/2011, dated 11.06.2014 addressed by him to the first respondent, as expeditiously as possible, preferably within a period of four weeks from the date of receipt of a copy of this order. It is needless to observe that the petitioner is entitled to all the benefits, payable to him in accordance with law.

The Writ Petition is accordingly disposed of. Miscellaneous petitions pending consideration if any in the Writ Petition shall stand closed in consequence. No order as to costs.

JUSTICE M.S.K. JAISWAL

DATED 1st September, 2016.
Msnr_x

