

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

WRIT PETITION No.14944 OF 2016

ORDER:

This Writ Petition is filed under Article 226 of the Constitution of India for the following relief:

“to declare the action of the respondents in not passing the final orders on the explanation submitted by the petitioner on 09.11.2015 to the 1st respondent show cause notice dated 03.10.2015 is still pending with the 1st respondent is highly illegal, arbitrary, unreasonable, discriminatory and also in violation of Article 14, 16 and 21 of the Constitution of India and declare the same as bad in law and consequently direct the 1st respondent to consider the explanation by the petitioner on 09.11.2015 and pass appropriate orders, by reinstating the petitioner into service and with all consequential benefits and to pass such other order or orders as this Hon'ble Court may deems fit just and proper in the circumstances of the case.”

2. Heard Sri C.Raja Shekar Reddy, learned counsel, appearing for the petitioner and learned Government Pleader for Endowments, appearing for the respondents.

3. Petitioner herein is a salesman in the office of the Handloom Weaver's Co-operative Society Limited, Nizamabad District and he was appointed as salesman in the year 1992. The 1st respondent – Managing Director, issued a charge memo vide proceedings Reference No.KNR.DVN/Est.Sec/E.M/D/W(Court Order)/Deficit/Charge/11/794, dated 17.01.2011, framing the following two charges against the petitioner.

“Charge No.1:

Sri E.Markendeya, the then Daily Wager (Court

Order), 8 Incline Colony, Godavarikhani SE now working at Bodhan SE has misappropriated of Funds to the extent of Rs.76,782.75 physical stock Deficit created as on 31.01.2010. Which are gross mis-conduct under Special Bye – Law No.43(iv)(vi)(xi) of Apex Society. Hence, the charge.

Charge No.2:

Sri E.Markendeya, the then Daily Wager (Court Order), 8 Incline Colony, Godavarikhani SE now working at Bodhan SE has misappropriated of Funds to the extent of Rs.1,02,716.55 created as on 19.03.2010. Which are gross mis-conduct under Special Bye- Law No.43 (iv)(vi)(xi) of Apex Society. Hence, the charge.”

4. In response to the charge sheet and the charges contained therein, petitioner herein submitted an explanation dated 18.10.2011. Thereafter an Enquiry Officer was appointed, who submitted a report also. Subsequently, the 1st respondent – Managing Director, issued a show-cause notice bearing Reference No.596/Admn-II(2)/G.Markendeya DW/KMNR Dvn/CO/14/3672, dated 04.12.2014, calling upon the petitioner to submit representation, if any, on the findings of the Enquiry Officer. Responding to the said show-cause notice, petitioner herein submitted explanation dated 20.02.2015. Subsequently, vide Notice bearing Reference No.596/Admn-II(2)/E.Markandeya DW/KMNR.Dvn/CO/15/2572, dated 03.10.2015, the Vice Chairman and Managing Director, directed the petitioner to remit the alleged balance deficit amount of Rs.1,02,989.60ps. Responding to the same, petitioner herein submitted a representation dated 09.11.2015.

5. The grievance of the petitioner in the present writ petition is that though the petitioner herein submitted his explanation long back to the show-cause notice dated 04.12.2014 and for the notice dated 03.10.2015 issued by the 1st respondent, no final orders have been passed by the 1st respondent so far.

6. The material available before this Court manifestly discloses that though the petitioner, in response to the show-cause notice dated 04.12.2014 issued by the 1st respondent – Managing Director, submitted an elaborate explanation on 20.02.2015 and despite the fact that the petitioner submitted another representation dated 09.11.2015, in response to the Notice dated 03.10.2015, no final orders have been passed so far. In the considered and definite opinion of this Court, the respondents herein cannot keep the proceedings pending for years together which would definitely affect the petitioner and will cause irreparable loss to the petitioner.

8. Therefore, this Court is of the considered opinion that the ends of justice would be served, if the 1st respondent is directed to pass final orders pursuant to the enquiry conducted against the petitioner by fixing some timeframe.

9. In view of the above, Writ Petition is disposed of, directing the 1st respondent to pass final orders pursuant to the enquiry conducted against the petitioner herein, within a period of six weeks from the date of receipt of a copy of this order.

10. Miscellaneous petitions pending consideration, if any, in the Writ Petition shall stand closed in consequence. No order as to costs.

A.V.SESHA SAI, J

28.04.2016
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