

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

-
WRIT PETITION No.24748 of 2016

ORDER:

The petitioner was appointed as Junior Assistant on 19.04.2001 and was posted in the Bhadrachalam Temple. He was promoted as Senior Assistant on 01.04.2010 and transferred to Sri Lakshmi Narasimha Swamy Vari Devasthanam, Yadagirigutta. He was again promoted as Office Superintendent on 21.08.2013 and posted at Sri Sitaramachandra Swamy Vari Devasthanam, Bhadrachalam. There were some allegations with regard to missing of 5000 tickets which were in the custody of one G.Gopaiah, Record Assistant. In view of the same, the petitioner gave a complaint with regard to the loss of the said tickets. One K.Narasimha Raju, Assistant Engineer was appointed as Enquiry Officer to enquire into the aforesaid complaint and during the course of enquiry, the Enquiry Officer called the petitioner and recorded his statement. Thereafter, no enquiry took place. However, the impugned order dated 17.10.2015 was passed imposing the punishment of stoppage of one increment with cumulative effect. Challenging the said order, the present Writ Petition is filed.

Learned Counsel for the petitioner submits that no enquiry was conducted in accordance with the Rules under the A.P.Civil Services (Classification, Control & Appeal) Rules, 1966.

The learned Standing Counsel appearing for the third respondent temple fairly submits that no enquiry as contemplated under the A.P.Civil Services (Classification, Control & Appeal) Rules, 1966, was conducted.

Since the punishment of stoppage of one increment with cumulative effect is a major punishment, regular procedure provided under the A.P.Civil Services (Classification, Control & Appeal) Rules, 1966, has to be followed. In the instant case, no such procedure is followed before imposing the punishment, which is a major punishment,

through order dated 17.10.2015. In view of the same, the impugned order dated 17.10.2015 passed by the third respondent temple is set aside and the matter is remanded to the third respondent to conduct an enquiry in accordance with law and pass appropriate orders based on the report submitted by the Enquiry Officer.

Accordingly, the Writ Petition is allowed to the extent indicated above at the admission stage after hearing the learned Counsel for the petitioner and the learned Standing Counsel for the third respondent temple. The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

26.07.2016

vs