

HON'BLE SRI JUSTICE R.KANTHA RAO
and
HON'BLE SRI JUSTICE DR B.SIVA SANKARA RAO

W.A.No.253 of 2016

JUDGMENT: (*Per Hon'ble Sri Justice R.Kantha Rao*)

Heard learned counsel appearing for the appellant, learned Government Pleader for Revenue appearing for the first respondent and learned Standing Counsel for TTD appearing for respondents 2 and 3.

This appeal is directed against the order dated 29.12.2015 of the learned Single Judge passed in WPMP No.54492 of 2015 in WP No.42235 of 2015.

Departmental enquiry was held against the petitioner-appellant by levelling six charges. The Enquiry Officer found that out of six charges, five charges were not proved and they were also vexatious. However, the Enquiry Officer has recorded that charge No.6 held proved and submitted his report to the disciplinary authority. The Disciplinary authority, after issuing notice to the petitioner-appellant and receiving his explanation, imposed punishment of stoppage of five increments with cumulative effect. The 6th charge which is said to be proved against the

petitioner-appellant is that he issued a legal notice to the Executive Officer of the second respondent-TTD stating that he was harassing the petitioner at the instance of some officials who hold the office.

Learned counsel appearing for the appellant submits that issuing legal notice is not illegal and therefore, on the basis of the said legal notice, no charge could have been framed against the appellant. Learned counsel would further submit that for about 10 years, no enquiry report was submitted.

Challenging the order of punishment, the petitioner filed W.P.No.42235 of 2015 along with WPMP No.52292 of 2015 seeking suspension of the order of punishment imposed against him. Vide order dated 29.12.2015, learned Single Judge dismissed the interim application declining to interfere with the order of punishment imposed against him. Against the said order passed by the learned Single Judge, the petitioner-appellant filed the present writ appeal.

Having gone through the submissions on either side, we are of the considered view that it would not be appropriate to interfere with the interim order passed by the learned Single Judge

instead We think it fit to issue a direction to dispose of the writ petition as expeditiously as possible.

Having regard to the nature of the charge levelled against the petitioner-appellant and the gravity of the punishment, the Writ Appeal is disposed of. However, learned Single Judge shall dispose of the writ petition as expeditiously as possible. No costs.

Registry to list the writ petition before appropriate bench on 16th June, 2016.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE R.KANTHA RAO

JUSTICE DR B.SIVA SANKARA
RAO

18th April, 2015

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