

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

WRIT PETITION No.11908 of 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking the following relief:

“to issue writ of mandamus to declare the action of the Respondents in calling for specific remarks along with documentary evidence from the Inquiring Authority/ EE(H), Parvathipuram Division, Vizianagaram District by Memo No.9423/VI/SKLM/2014 dated 24.02.2016 is illegal and arbitrary and also declare that the action of the Respondents in not re-opening the enquiry is also illegal and arbitrary apart from being violative of the principles of natural justice.”

Heard Sri M. Srikanth, learned counsel for the petitioner, learned Government Pleader for Employment and Training for respondents 1 to 3, Sri P. Madhusudhan Reddy, learned counsel for respondent No.4 and Sri T. Sudhakar Reddy, learned Standing Counsel for respondent Nos.5 to 7.

The petitioner is presently working as Assistant Engineer in 5th respondent Housing Corporation. The Managing Director of A.P. State Housing Corporation Limited, Hyderabad, framed the following Article of charge against the petitioner:

“ARTICLE-1: That Sri Dola Krishna Rao, Assistant Engineer, A.P. State Housing Corporation Limited, Srikakulam District committed irregularity of deceiving the organization by submitting fake certificate for his educational qualification certificate and continued in the job and got promotion as Assistant Engineer (Housing) in Srikakulam District.

Thus Sri Dola Krishna Rao, Assistant Engineer, A.P. State Housing Corporation Limited, Srikakulam District by his above mentioned acts has exhibited lack of integrity, devotion to duty, conduct unbecoming of a public servant and thereby contravened Rule 3 of APCS (Conduct) Rules, 1964.”

Subsequently, the Enquiry Officer was appointed who submitted his report on 04-11-2015. It is the case of the petitioner herein in the present writ petition that on his application the 4th respondent college issued a certificate, which reads as under:

“It is certified that the two following documents;-

- 1. “TRADE TEST IN THE TRADE OF DRAUGHTS MAN CIVIL” IN 1990.*
- 2. TRADE TEST RESULTS SHEET OF 1990.*

Are verified with reference to the original records of this institute Sri Rama Industrial Training Institute, Ponduru, Srikakulam District and found that two documents are genuine.”

Thereupon the petitioner herein submitted a representation to the 6th respondent Managing Director on 08-02-2016. The last three paragraphs of the said representation read as under:

“In fact, as earlier submitted, the present Principal of Sri Rama Industrial Training Institute, Ponduru, Srikakulam district after verifying the records of the Institute certified that the said document is a genuine one. Since I have received the certificate issued by the present Principal of the said Institute only on 27-01-2016, the present Principal of the said Institute may be called in the enquiry along with the records to verify the same, as otherwise I would be put to prejudice and great loss. As the same has been received after the enquiry, I request the Authority to reopen the enquiry and conduct the enquiry again after calling both the Regional Deputy Director, Apprentice, Visakhapatnam as well as

the Principal of Sri Rama Industrial Training Institute, Ponduru, Srikakulam along with the relevant records to verify the genuineness of the document.

In view of these two documents, obtained from principal, Sri Rama Industrial Training Institute, Ponduru; The allegation of Regional Deputy Director, (APP) Kancharapalem, Visakhapatnam that the ITI certificate is not genuine, does not stand the test of Law.

I solemnly affirm that I have taken "two documents" from Sri Rama Industrial Training Institute, Ponduru. Having full regard to the submissions made SUPRA, I request your honour to be kind enough to drop the "CHARGE": for which act of kindness I shall be ever grateful."

Subsequently, the General Manager, A.P. State Housing Corporation Limited, Urdugally, Himayatnagar, Hyderabad vide memo bearing No.9423/V1/SKLM/2014, dated 24-02-2016 basing on the representation made by the petitioner, as stated supra, directed the enquiring authority to furnish their remarks along with documentary evidence so as to enable to take further action in the matter.

The grievance of the petitioner in the present writ petition is that though the petitioner submitted his representation on 08-02-2016 no final action has been taken by the 6th respondent in the direction of considering the request of the petitioner, in view of the same, the petitioner is sustaining heavy loss and hardship.

Having regard to the nature of controversy and in the facts and circumstances of the case, this Court does not find any justification on the part of the 6th respondent in not passing any

final orders on the representation, dated 08-02-2016.

On instructions, it is submitted by learned Standing Counsel for respondents that appropriate orders would be passed on the representation, dated 08-02-2016, in accordance with law, and some time may be granted for the same.

Recording the said submission, the writ petition is disposed of, directing the 7th respondent to take appropriate action on the representation, dated 08-02-2016 said to have been submitted by the petitioner, in accordance with law, within a period of one month from the date of receipt of a copy of this order.

Miscellaneous Petitions pending, if any, shall stand closed.

There shall be no order as to costs.

A.V. SETHA SAI, J

April 29, 2016

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

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