

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

WRIT PETITION Nos.3655 of 2016 & 27486 of 2012

COMMON ORDER :

Since these two writ petitions are interrelated and filed by one individual, this Court deems it proper to dispose of the writ petitions by way of this common order.

2. Heard Sri S. Lakshma Reddy, learned Senior counsel for the petitioners and Learned Government Pleader for the respondents.

3. In W.P.No.27486 of 2012 challenge is to the proceedings issued by the respondent-College directing the petitioner to remit the amounts and in W.P.No.3655 of 2016 the action of the 4th respondent-College in not forwarding the pension papers to the Regional Joint Directorate of Collegiate Education is assailed.

4. The petitioner herein worked as in-charge principal of the respondent-College during the period May 2005 to 2010. The University Grants Commission (for short 'the UGC') introduced a scheme for financial assistance to the Scheduled Castes and Scheduled Tribes and minority students and vide letter F.No.

5-38/2006 (SCT) addressed to the Principal, Sirpur-Kaghaznagar Employees' Degree College (Aided), Sirpur-Kaghaznagar, Adilabad, dated 16.11.2011, asking the Principal of the College to refund the unspent balance of Rs.80,596/- on the ground that the expenditure incurred on Steel almirahs, furniture, snacks would not be admissible for grant-in-aid purpose. Subsequently, vide letter F.No.7-10/2006 (CCM) dated 20.12.2011 the UGC requested the Principal of the College to refund balance amount of Rs.2,61,796/- on the ground that UGC did not admit any expenditure incurred on non-recurring/recurring items and for the reasons indicated in the said letter. Subsequently, by virtue of letter bearing No.F.5-88/2005 (CCM) dated 04.01.2012 the UGC also asked the Principal of the College to refund the unspent balance of Rs.62,930/-. As a consequence of the above said letters, vide Memo F.No.96/SKEDC/2011 dated 12.04.2012 the Principal of the College directed the petitioner to remit a sum of Rs.2,61,796/- along with interest. In response to the same, petitioner submitted a

representation on the even date, stating that the question of remittance of the said amount would not arise for the reasons stated therein. Subsequently, by way of notice bearing Rc.No.68/SKEDC/2011 dated 26.06.2012, the petitioner herein was called upon to explain as to why disciplinary action should not be taken against him. Responding to the said notice petitioner submitted explanation on 30.06.2012, requesting the Special Officer of the College to drop the allegations mentioned in the notice. Eventually by way of impugned memos dated 19.07.2012, 29.03.2012 and 21.07.2012 the respondent-College Principal directed the petitioner to remit the amounts as indicated earlier.

5. In the present writ petitions it is the contention of the learned Senior counsel that having called for the explanation and having received the same, the respondent authorities are not justified in totally ignoring the contents of the same and directing the petitioner to remit the amounts without considering the veracity of the said explanation.

6. On the contrary it is the contention of the respondent-college that since the UGC did not allow the expenditure towards certain items the College is perfectly justified in initiating the impugned action, ordering remittance of the amounts.

7. The material available before this Court, in clear and vivid terms, discloses that as a consequence of the directions of the UGC the respondent-College initiated action by issuing notice calling upon the petitioner to submit his explanation. Having called for the explanation and having received the same this Court absolutely does not find any justification on the part of the respondent-College authorities in totally ignoring the contents of explanation submitted by the petitioner. The said action can neither be approved nor countenanced and on this ground alone the impugned action is liable to be deprecated.

8. This Court in the facts and circumstances of the case deems it appropriate to remand the matter for fresh consideration by the respondents for considering the explanation submitted by the petitioner.

9. The request of the petitioner as sought in W.P.No.3655 of 2016 will have to be considered basing on the outcome of the said enquiry.

10. For the aforesaid reasons W.P.No.27486 of 2012 is allowed, setting aside the impugned proceedings dated 19.07.2012, 29.03.2012, and 21.07.2012

and the matter is remanded to the respondents for consideration in accordance with law and by considering the explanation submitted by the petitioner herein. W.P.No.3655 of 2016 also stands disposed of as a consequence thereof. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in these writ petitions shall stand closed.

8th March, 2016
Rds

A. V. SESA SAI, J