

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

WRIT PETITION No.8679 OF 2016

ORDER:

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

“to issue an order, direction particularly one in the nature of writ of mandamus or any other appropriate writ (i) declare that initiation of departmental enquiry in pursuance to Memorandum of Article No.

V-15014/GHC/AD.VI/DIOM (D)/2016/239 dated 01.02.2016 while pending criminal case on the same set of charges under Section 448, 354 A1 (i) and 506 of IPC pending before the Hon'ble VII Addl. Chief Metropolitan Magistrate at Hyderabad as illegal, arbitrary, unjust and violation of Article 21 of Constitution of India ; (ii) and consequently set aside the same; (iii) and pass such other order or orders may deem fit and proper in the circumstances of the case.”

2. Heard Sri B.Shiva Kumar, learned counsel, appearing for the petitioner and Sri B.Narayana Reddy, learned Assistant Solicitor General, appearing for the respondents.

3. In the present writ petition, the contention of the learned counsel for the petitioner is that since the criminal prosecution is pending, the respondent authorities cannot proceed with the departmental enquiry.

4. The material on record shows that the Group Commandant, Central Industrial Security Force, Ministry of Home Affairs, Chennai – 4th respondent herein, issued a memorandum bearing No.V-15014/GHC/AD.VI/DIOM(D)/2016/239, dated 01.02.2016, proposing to hold enquiry against the petitioner.

5. Since the impugned action is initiated by the authority stationed at Chennai, the cause of action for the petitioner obviously arose not

within the jurisdiction of this Court. Therefore, this Court is of the view that the present writ petition cannot be maintained before this Court.

6. For the aforesaid reasons, Writ Petition is dismissed, keeping it open for the petitioner herein to avail the remedy as per law. 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

17.03.2016
SS

Note: issue C.C. in two days.
B/o. SS