

HONOURABLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.31778 of 2016

ORDER:

The petitioner was appointed as Junior Assistant in 1992 and was promoted as Senior Assistant in the 4th respondent college. Thereafter, he was promoted as Junior Lecturer in Civics by proceedings dated 25.11.2011. While so, one M.Hima Bindu, a student of 2nd year B.A. lodged a complaint to the police against the petitioner on 20.03.2013 alleging molestation and committing an offence under the provisions of the S.Cs and S.Ts (POA) Act 1989. A criminal case was registered against the petitioner and he was arrested on 23.03.2013. Later on, he was released on bail. The 3rd respondent initiated disciplinary proceedings against the petitioner by proceedings dated 24.03.2013 and he was kept under suspension. An Enquiry Officer was appointed to conduct an enquiry into the matter and the complainant did not appear before the Enquiry Officer. An enquiry report was submitted to the 3rd respondent on 08.10.2013 stating that the allegation against the petitioner was not proved and the petitioner was entitled for reinstatement. On the basis of the said report, the order of suspension was revoked and the petitioner was reinstated as Junior Lecturer in Civics by proceedings dated 19.11.2013. While so, a memo of charges was served on the petitioner on 03.07.2016 by framing five charges on the basis of the same complaint made to the police in the year 2013. The petitioner submitted his explanation. After submitting the explanation, an

order was passed on 07.08.2016 imposing the major penalty of reversion from the post of Junior Lecturer to the post of Senior Assistant. Challenging the same, the present writ petition is filed.

2. Learned senior counsel Sri Y.V.Ravi Prasad appearing for the petitioner and Smt.K.Lalitha, learned Counsel appearing for the respondents are heard.

3. There is no dispute that the impugned order dated 07.08.2016 was passed without conducting any enquiry. There is also no dispute that the Service Rules applicable to the petitioner make it mandatory to hold an enquiry in case the respondent wanted to impose any minor or major penalty. Since the impugned order was passed without conducting any enquiry, this Court is satisfied that the order dated 07.08.2016 is contrary to law and is accordingly set aside. However, this will not prevent the respondents 2 to 4 from taking appropriate action against the petitioner in accordance with law.

4. The Writ Petition is accordingly allowed at the stage of admission. No order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

A.RAMALINGESWARA RAO, J

20-09-2016
Gsn