

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

THE HON'BLE SRI JUSTICE G. SHYAM PRASAD

WRIT PETITION No. 40909 of 2016

ORDER: (*Per VRS,J*)

Aggrieved by the dismissal of her application challenging the initiation of disciplinary proceedings against her, the petitioner is before us.

2. Heard Mr. P.V.S.S.S. Rama Rao, learned counsel for the petitioner. Learned Government Pleader for Services (AP) takes notice for the respondents.

3. By a memo, dated 22.06.2013, a charge was framed against the petitioner herein, for certain alleged irregularities committed by her, when she was working as Assistant Excise Superintendent, Nellore, from 01.07.2010 to 04.10.2010 and from 06.01.2010 to 31.12.2011. Though she gave explanation on 14.07.2013, the respondents have not even appointed an Enquiry Officer, for the past more than three years. Therefore, relying upon the Government Orders fixing a time schedule for completion of enquiries, and also invoking the judgment of this Court, interfering with the disciplinary proceedings which were

pending for a long time, the petitioner filed an application before the A. P. Administrative Tribunal. In addition to a prayer for quashing the proceedings, she also prayed for regular promotion to the post of Prohibition & Excise Superintendent. But, the Tribunal dismissed the application, forcing her to come up with the present writ petition.

4. We do not think that the view taken by the Tribunal is contrary to law. Every delay in initiation or conclusion of disciplinary proceedings is not fatal to the disciplinary proceedings. The question of delay must have a direct impact upon the ability of the Officer to defend himself or herself in the enquiry, so as to enable the Tribunal to interfere with the same.

5. But, nevertheless, the law is settled that disciplinary proceedings should be commenced and concluded within reasonable time, failing which, both parties will be at a loss. Therefore, the writ petition is allowed and the order of the Tribunal is modified. The respondents are directed to complete the enquiry and pass final orders within a period of three (3) months, failing which, this Court may be compelled to direct the respondents to consider the case of the petitioner for promotion, without reference to the disciplinary proceedings.

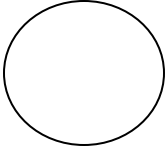
Consequently, miscellaneous petitions if any pending in the writ petition shall stand dismissed. No order as to costs.

V. RAMASUBRAMANIAN, J

G. SHYAM PRASAD, J

25th November, 2016
cbs





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