

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.33451 of 2016

ORDER:

Heard Mr. M. Subba Reddy for petitioner and Mr. B. Devanand for respondents 1 and 2.

2. The petitioner challenges proceeding Rc.No.14/APPMB/2016 dated 16.08.2016 as illegal and violative of principles of natural justice.

3. The principal grievance of petitioners against the impugned proceeding is that the show cause notice issued on 20.06.2016 refers to one circumstance as a violation, whereas the impugned proceeding is issued by including two additional circumstances as charges and findings are recorded against the petitioner. Therefore, it is contended that the proceeding is illegal and violative of principles of natural justice.

4. Mr. B. Devanand, firstly, after perusing the material available on record and secondly, on instructions from respondents 1 and 2, submits that the proceeding impugned in the writ petition, no doubt, violates principles of natural justice and respondents 1 and 2 are inclined to withdraw the proceeding and treat the proceeding as show cause notice issued to the petitioner, the petitioner can be given time to submit explanation within reasonable time and thereafter respondents are inclined to pass orders as are warranted in the facts and circumstances of the case.

5. The statement of Mr. B. Devanand is placed on record. Without going into the merits of the matter, the writ petition is ordered as follows:

- a) The proceeding impugned in the writ petition shall be treated as show cause notice issued by respondents 1 and 2 to petitioner.
- b) The petitioner is given one week time from today to submit explanation on the charges referred to in the proceeding dated 16.08.2016.
- c) Respondents 1 and 2 are given liberty to proceed further and pass orders in accordance with law within a further period of two (2) weeks.

As a sequel, the miscellaneous applications, if any pending, shall stand closed. There shall be no order as to costs.

September 29, 2016
Note:
Issue C.C. in one week
(B/o)
DSK

S. V. BHATT, J

