

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH

THURSDAY, THE FOURTEENTH DAY OF JULY TWO THOUSAND
AND SIXTEEN
(14.07.2016)

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

AND

THE HON'BLE SRI JUSTICE G. SHYAM PRASAD

WRIT PETITION No.22965 OF 2016

The Conservator of Forests,
Kurnool Circle, Kurnool and
two others.

Petitioners.

And

K. Vijaya Kumar and another.

Respondents.

Counsel for the petitioners

: Government Pleader for
Services (A.P.)

Counsel for the Respondents

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This Court made the following:

ORDER: (*Per Hon'ble Sri Justice C.V. Nagarjuna Reddy*)

The brief facts leading to the filing of this writ petition need to be stated hereunder:

Respondent No.1 was initially appointed as Forest Section Officer on 15.10.1990. While he was working in Pecheruvu Core Range, the petitioners have served articles of charge on him in June, 1993 alleging that he has acted negligently in discharging his duties and that, due to the same, there was a huge loss of teak trees in the forest. Respondent No.1 has filed his written statement denying charges. By order dated 13.04.1999, the disciplinary authority has imposed the penalty of stoppage of one annual grade increment with cumulative effect with effect on his pension. Respondent No.1 has filed Appeals before the petitioner No.1 and 2, who rejected the same. However, the Revision filed by respondent No.1, before the petitioner No.3, was allowed by order dated 15.07.2002, whereunder the order of the disciplinary authority was set-aside on the ground that proper procedure, under the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 (for short, 'the Rules') was not followed and the matter was remanded to the disciplinary authority for *denovo* enquiry. After the remand, the enquiry was entrusted to the Divisional Forest Officer, Atmakur, Kurnool district. Seven years after remand, the enquiry officer submitted his report on 20.12.2009 based on the purported statement of the respondent No.1 said to have been recorded during the enquiry. The enquiry officer has not held formal enquiry and the disciplinary authority has not examined any witnesses to prove the charge. The enquiry officer has based his enquiry report on earlier proceedings dated 13.04.1999, whereunder the penalty of

stoppage of one annual grade increment with cumulative effect was imposed against the respondent No.1. Petitioner No.1 has accepted his enquiry report, whereunder a similar penalty, as was imposed on respondent No.1 earlier, was again imposed. Assailing the same, respondent No.1 has filed O.A. No.8031 of 2013 before the Andhra Pradesh Administrative Tribunal at Hyderabad (for short, 'the Tribunal').

After hearing the learned counsel for both sides, the Tribunal allowed the O.A. by the order impugned in this writ petition. A perusal of the impugned order shows that the Tribunal has relied upon the judgment of the Supreme Court in ***Sher Bahadur Vs. Union of India and others***^[1], wherein it was held that the evidence adduced in the enquiry must link the delinquent to the misconduct and that then only the delinquent will be liable for penalty. The Tribunal rendered a finding that the disciplinary authority has not adduced any evidence, whatsoever, linking respondent No.1 to the alleged charge. While setting-aside the order of penalty, the Tribunal declined to permit the petitioners to proceed with the enquiry in view of the inordinate delay in concluding the disciplinary proceedings.

On a careful consideration of the reasons assigned by the Tribunal, we are of the opinion that they are not only sound but also rational. As rightly pointed by the Tribunal, the incident relates to the year 1993 and, from the facts narrated herein before, it is clear that it took eight years for the petitioners to complete the first round of enquiry and twelve years for them to complete the second round of enquiry. In our opinion, a public servant cannot be burdened with continued disciplinary proceedings for years on end, which is against public interest, as he is not expected to discharge his functions freely with the damocles sword of disciplinary proceedings hanging on his head all through. Therefore, the Tribunal has rightly relieved the respondent No.1 of the ignominy of suppressing disciplinary proceedings which

were commenced in the year 1993.

For the aforementioned reasons, we do not see any reason to interfere with the order of the Tribunal and the writ petition is, accordingly, dismissed.

As a sequel to dismissal of the writ petition, W.P.M.P. No.28243 of 2004, filed for the interim relief, shall stand dismissed as infructuous.

REDDY, J

C.V. NAGARJUNA

G. SHYAM PRASAD, J

Date: 14-07-2016
DSH

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY
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WRIT PETITION No.22965 OF 2016

(Order of the Division Bench delivered by
Hon'ble Sri Justice C.V. Nagarjuna Reddy)

Date. 14-07-2016

DSH

[\[1\]](#) 2002 (7) SCC 142