

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

W.P.No.24179 of 2014

ORDER

This writ petition was filed seeking to declare the proceedings dated 23.1.2012 issued by the 3rd respondent and consequential orders passed by the 2nd respondent dated 25.2.2014, as arbitrary and illegal.

The petitioner was initially appointed as Additional Grama Sevika through District Selection Committee. The said post was re-designated as Extension Officer (DWACRA). Her services were regularized as Extension Officer. While so, charge memo dated 11.4.2005 was issued to her levelling certain charges, for which, she submitted her detailed explanation. Thereafter, an Enquiry Officer was appointed and he submitted his report on 2.6.2011 holding that the charges framed against the petitioner are not proved. In spite of the same, the 3rd respondent-Project Director passed an order imposing punishment of withholding two increments with cumulative effect with a warning not to repeat such incidents in future. Against the said order, the petitioner submitted a representation in December, 2013 to the 2nd respondent. As the 2nd respondent rejected the representation of the petitioner *vide* order dated 25.2.2014, the present writ

petition is filed. The order of the 2nd respondent reads as follows:

“It is submitted that Smt S.Manjula, Extension Officer (DWCRA) Sangareddy has submitted a representation to release the withholding of increments by the Project Director, DRDA, Medak Dist, at Sangareddy vide Procgs., Rc.No.B1/198/2009, dated 22.1.2012 because of that, charges are not proved.

In this connection it is to inform that, the punishment awarded by the competent authority i.e., Project Director, DRDA, Medak Dist., at Sangareddy is uphold.”

Learned counsel appearing for the petitioner as well as learned Government Pleader submitted that the second respondent is the appellate authority and is competent to consider the appeal preferred by the petitioner.

In view of disposal of the representation by the 2nd respondent as aforesaid, this Court feels that disposal of the representation by the 2nd respondent is not in accordance with law as it does not contain any reasons for upholding the order of the 3rd respondent.

In the circumstances, without going into the merits of the case, this Writ Petition is partly allowed by setting aside the order of the 2nd respondent dated 25.2.2014 and remanding the matter to the 2nd respondent for consideration of the case of the petitioner in appeal against the order of the 3rd

respondent dated 23.1.2012, in accordance with law. Since the petitioner filed a representation earlier, he is at liberty to submit a detailed appeal to the 2nd respondent within 15 days from the date of receipt of a copy of this order and on receipt of the same, the 2nd respondent shall consider and dispose of the same in accordance with law, within a period of three months thereafter. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE A.RAMALINGESWARA RAO

29th August, 2016
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