

THE HON'BLE SRI JUSTICE A.V. SETHA SAI

WRIT PETITION No.13474 of 2016

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking the following relief:

“to issue writ of Mandamus to declare the Second Respondent, in not considering the Representation made by the Petitioner on 12-08-2015, in which she requested for Furnishing the enquiry Report Conducted in 08-07-2015, and there by causing damage to the Petitioner in the ensuing Promotions to be made in April, 2016 and causing serious Financial loss as they stopped Three annual grade increments, as she made a Complaint against the Fourth Respondent in person, as he abused her in the name of caste, and the same is personal Vengeance, Colorable exercise of Power, and liable to be interfered with by this Honble Court, as such in action is Contrary to Articles 14, 16, 19, 21 of Constitution, contrary to the Judgment of the Honble Supreme Court of India, and against the principals of natural justice.”

Heard Sri S.S.N. Moorthy, learned counsel for the petitioner and learned Government Pleader for Social Welfare for respondents.

According to the petitioner herein, she is presently working as Principal in T.R. School (Minority Boys), Algole, Zaheerabad, Medak District.

The Secretary, APREI Society, Hyderabad – 2nd respondent herein initiated disciplinary enquiry against the petitioner herein by issuing charge memo vide proceedings Rc.No.146/C3-1/06-13,

dated 03-03-2014. According to the petitioner, in response to the same she submitted a reply on 11-04-2014 and thereafter the 3rd respondent herein was appointed as Enquiry Officer and it is further averred in the writ affidavit that the Enquiry Officer completed the enquiry on 09-07-2015 and the petitioner herein has submitted her replies to the questionnaire. It is the further case of the petitioner herein that vide proceedings, dated 10-09-2014 the 2nd respondent reinstated the petitioner into service and appointed in the present post.

The grievance of the petitioner, as stated in the affidavit filed in support of the writ petition is that despite conclusion of enquiry by the enquiry authority the respondents are not taking further action and kept the proceedings pending purposefully to deprive her of the chances of promotion.

On instructions, it is submitted by learned Government Pleader that the further process is on and shortly final orders would be passed also, in accordance with law.

Having regard to the nature of controversy and taking into consideration the facts and circumstances of the case, this Court is of the considered opinion that the ends of justice would be served if the 2nd respondent is directed to conclude the departmental enquiry initiated against the petitioner herein, in accordance with law, by fixing some timeframe.

For the aforesaid reasons, the writ petition is disposed of, directing the 2nd respondent to pass final orders on the enquiry

pursuant to the charge memo issued vide proceedings Rc.No.146/C3-1/06-13, dated 03-03-2014 after furnishing the enquiry report and after considering the explanation submitted by the petitioner herein, in accordance with law, within a period of one month from the date of receipt of a copy of this order.

Miscellaneous Petitions pending, if any, shall stand closed.
There shall be no order as to costs.

A.V. SSHA SAI, J

April 25, 2016

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