

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No. 24023 of 2016

Order:

The petitioner joined as an Attender on 29.11.1984 in the second respondent-Bank. He was promoted as Staff Assistant in the year 2011 and he was further promoted as Assistant Manager in 2013. Later on, he was promoted as Manager in 2014. In respect of some allegations an enquiry was proposed against the petitioner and he was placed under suspension on 18.10.2014. A charge sheet was issued on 28.01.2015 and the petitioner submitted his explanation on 02.02.2015 denying the charges. After submission of the explanation when he submitted a representation on 04.02.2015 seeking reinstatement, he was reinstated into service on 19.02.2015 pending enquiry. Based on the enquiry report dated 02.12.2015, a show cause notice was issued on 04.07.2016 and the petitioner asked for a copy of the enquiry report in order to furnish explanation, but the request of the petitioner was rejected by the second respondent on 12.07.2016. The petitioner made another representation on 15.07.2016, but there was no response. At that stage the petitioner approached this Court by challenging the show cause notice dated 04.07.2016.

2. In order to give fair opportunity to the petitioner, this Court, while issuing notice before admission on 21.07.2016, passed the following order.

“It is brought to the notice of this Court that the present show cause notice was issued by the Enquiry Officer, who is now promoted as the Chief Executive Officer and a copy of the enquiry report is not furnished to the petitioner. Since the enquiry is completed, it is for the competent authority to take appropriate action against the delinquent, but the enquiry report cannot be rejected.

In the circumstances, liberty is given to the petitioner to submit his explanation after receipt of the enquiry report from the second respondent and the second respondent is directed to furnish a copy of the enquiry report to the petitioner in order to enable him to submit his explanation. The enquiry report shall be

furnished within a period of one week, and the petitioner is given two weeks time thereafter to furnish his explanation. But, no final orders shall be passed until further orders from this Court.”

3. Now the learned counsel appearing for the respondents 2 and 3 submitted that pursuant to the orders of this Court the copy of the enquiry report was furnished to the petitioner on 02.08.2016 and the petitioner has also submitted his explanation.

4. In the circumstances, nothing survives for consideration in the present Writ Petition and it is for the competent authority to take appropriate action based on the show cause notice and explanation submitted by the petitioner after furnishing enquiry report.

5. The Writ Petition is, accordingly, closed. There shall be no order as to costs.

6. As a sequel thereto, the miscellaneous applications, if any, pending in this Writ Petition shall stand closed.

A.
Date: 19.08.2016
Nsr

RAMALINGESWARA RAO, J