

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

W.P.No.19624 of 2016

ORDER

This writ petition was filed seeking to declare the show cause notice dated 4.1.2016 issued by the 1st respondent to recover an amount of Rs.20,15,526/- from the petitioner, as arbitrary and illegal.

The petitioner joined the services of the respondent-Corporation as Accountant Grade-III, in the year 1980. He was promoted as Accountant Grade-II in the year 1989 and further promoted as Accountant Grade-I in the year 2002. Thereafter, he was promoted as Assistant Manager in the year 2010. On attaining the age of superannuation, he retired from service on 31.8.2014. However, he was placed under suspension on 11.12.2013 on the ground of non-reconciliation of Paddy Accounts KMS for the year 2010-11. He submitted a detailed representation on 21.12.2013 denying the allegations. The respondents being satisfied with the explanation, revoked the order of suspension on 28.5.2014 and accordingly, he rejoined on 28.5.2014 and retired from service on 31.8.2014. After

retirement, the first respondent issued a Charge Memo on 18.9.2014, for which the petitioner submitted his explanation. When the show cause notice was issued on 4.1.2016 proposing the punishment of stoppage of one annual increment with immediate effect, treating the period of suspension as not on duty and recovery of Rs.20,15,526/- in lumpsum, the present writ petition was filed.

Counter-affidavit is filed justifying the imposition of proposed punishment.

Learned counsel appearing for the petitioner submits that the proposed punishment is sought to be imposed without conducting any enquiry and only on the basis of charge sheet and explanation submitted by the petitioner. Since the respondents are proposing to impose punishment of stoppage of one annual increment and recovery of Rs.20,15,526/-, it is incumbent upon the respondents to conduct enquiry before imposing the punishment.

In the circumstances, without expressing any opinion on the merits of the case, this Court is inclined to set aside the impugned order dated 4.1.2016 to the extent of the proposed the punishment, but liberty is given to the first

respondent to conduct an enquiry pursuant to the charges framed and the explanation submitted by the petitioner and complete the same within a period of three months from the date of receipt of a copy of this order. In so far as payment of retirement benefits of the petitioner are concerned, the same will be subject to result of the enquiry.

Accordingly, the Writ Petition is disposed of.
No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE A.RAMALINGESWARA RAO

23rd August, 2016
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