

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No. 31953 of 2016

ORDER:

The petitioner was appointed as Record Assistant in Respondent No.1-Temple in January 2006. He was transferred to Parnasala Temple of Dummugudem Mandal of Khammam District and continued there for 40 days from 28.06.2015 to 09.08.2015. While so, he was placed under suspension on 09.08.2015 for not depositing an amount of Rs.50,000/- on account of sale of tickets. An Enquiry Officer was appointed and issued a notice to the petitioner to appear before him. The petitioner, accordingly, attended before the Enquiry Officer. Thereafter, without conducting any regular enquiry, the Enquiry Officer submitted a report on 09.10.2015 holding that the charge against the petitioner was proved. On the basis of the said report, respondent No.1 passed orders on 17.10.2015, directing recovery of Rs.50,000/- against three persons including the petitioner besides imposing penalty of stoppage of one increment with cumulative effect. The other two persons approached this Court by filing W.P.Nos.20430 and 24748 of 2016. This Court by orders, dated 01.07.2016 and 26.07.2016, allowed the writ petitions with the following observations:

“Since the punishment of stoppage of one increment with cumulative effect is a major punishment, regular procedure provided under the A.P. Civil Services (Classification, Control & Appeal) Rules, 1966, has to be

followed. In the instant case, no such procedure is followed before imposing the punishment, which is a major punishment, through order, dated 17.10.2015. In view of the same, the impugned order dated 17.10.2015, passed by the third respondent temple is set aside and the matter is remanded to the third respondent to conduct an enquiry in accordance with law and pass appropriate orders based on the report submitted by the Enquiry Officer.”

Accordingly, this writ petition is also allowed by setting aside the impugned order, dated 17.10.2015, and the matter is remanded to respondent No.1 for conducting an enquiry in accordance with law and for passing appropriate orders based on the report submitted by the Enquiry Officer.

At this stage, it is submitted by the learned counsel for respondent No.1 that the amount of Rs.50,000/- was already recovered from the petitioner.

Therefore, the recovery of the said amount would be subject to further orders passed by respondent No.1 on the basis of the enquiry report as aforesaid.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

A.RAMALINGESWARA RAO,J

Dt:21.09.2016
kdl

