

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.12924 OF 2017

DATED : 13.04.2017

Between :

P.Lakshmi Bhavani W/o.K.Srinivas,
Aged about 38 yrs, Working as Assistant Civil Supply Officer,
O/o.The Chief Rationing Officer, Hyderabad,
R/o.Pedda Kamela, Tirumalgherry,
Secunderabad-16.

..
Petitioner

And

The State of Telangana,
Rep., by its Ex-Officio Secretary to Government,
Consumer Affairs, Food & Civil Supplies Department,
Secretariat, Telangana, Hyderabad & another.

..
Respondents



This court made the following :

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ORDER :

Heard.

2. Disciplinary proceedings initiated against the petitioner resulted in imposing the punishment of stoppage of one annual increment with cumulative effect by order dated 15.11.2016. Aggrieved thereby petitioner preferred appeal. The appeal was considered and by order dated 19.03.2017 the order of the disciplinary authority was affirmed and the appeal was rejected.

3. Apart from other contentions, it is primarily contended that the order of appellate authority is liable to be set aside on the sole ground that the same officer who acted as disciplinary authority has considered the appeal and passed orders. No authority can sit over on the same matter and decide the appeal as well.

4. A bare perusal of the orders passed on 15.11.2016 and 19.03.2017 would show that Sri C.V.Anand, I.P.S, was the Commissioner of Civil Supplies and he passed orders as disciplinary authority on 15.11.2016 and the same officer became Ex-Officio Principal Secretary to Government. As an Ex-Officio Principal Secretary, the same officer considered the appeal and rejected the same. On this ground alone, the order dated 19.03.2017 is liable to be set aside and is accordingly set aside.

5. The Writ Petition is allowed and the matter is remitted to the Government for consideration of appeal filed by the petitioner against the order dated 15.11.2016 by any other officer of the rank of Principal Secretary other than Sri C.V.Anand, consider the same

and pass orders objectively uninfluenced by the earlier decision. The decision shall be taken and communicated to the petitioner within a period of two (2) months from the date of receipt of copy of this order. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

13th April, 2017
Rds

P.NAVEEN RAO,J

