

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No. 31216 of 2017

ORDER:

The writ petition is filed challenging the memo in Rc.No.10263/VC.B/2017/402, dated 19-07-2017.

Sri P.V.Krishnaiah, learned counsel for the petitioner submits that charge is as vague as it can be and in the absence of specific charge, it is difficult for the petitioner to submit explanation and when charge itself is vague, the same is liable to be quashed. He also submits that as on 01-09-2016 no charge is pending against the petitioner and no disciplinary proceedings are pending against him as on 01-09-2016.. As such, the petitioner is not disqualified for promotion. Learned counsel relied on the judgment of **Anant R.Kulkarni v. Y.P.Education Society**¹.

Learned Assistant Government Pleader for Services submits that having filed explanation on 16-09-2016 without expressing any objection regarding vagueness of the charge, the petitioner cannot question the charge memo on the ground of vagueness. He also submits that the petitioner made representation on 07-09-2017 to furnish certain documents referred at annexure of the charge memo dated 19-07-2017. At this stage, the petitioner cannot question the charge memo.

It is to be seen that the judgment cited supra relied on by learned counsel for the petitioner deals with as far as vagueness of the charge, it was not challenged at the threshold of notice, but this was the case where challenge to the charge memo at the final stage after final orders are passed. The petitioner submitted explanation, but nothing is stated about vagueness of the charge

¹ (2013)6 Supreme Court Cases 515

as pointed by learned counsel for the petitioner, the petitioner has also filed representation on 07-09-2017 seeking certain documents. In view of the same, I am not inclined to entertain the writ petition.

However, this writ petition is disposed of directing the respondents to furnish documents to the petitioner as per representation dated 07-09-2017 and thereafter consider the explanation of the petitioner and take a decision in accordance with law within a period of three months from the date of receipt of a copy of this order. As far as denial of promotion, that is not the prayer in the writ petition.

As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

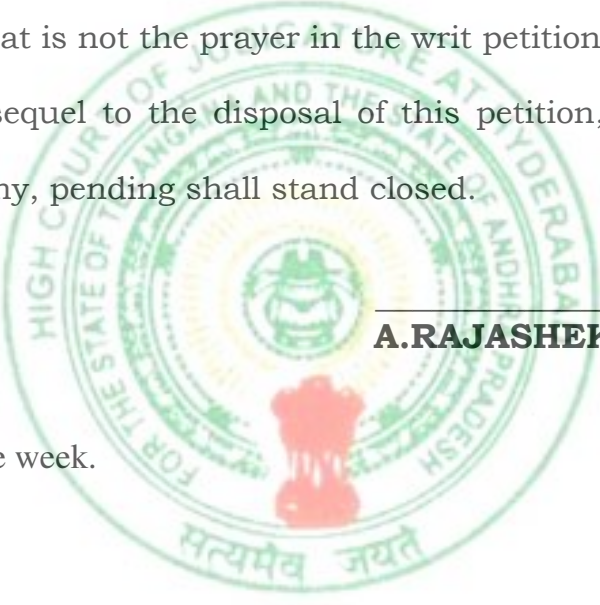
21-09-2017

Note:

Issue CC in one week.

B/o.

Nvl



A.RAJASHEKER REDDY,J



