THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.3876 OF 2017

DATED : 15.02.2017

Between :

B. Narayana S/o.Late B. Balaiah,
50 yrs, Occu : Deputy General Manager (Eng),
HMWS&S Board, Project Division No.VI,
SR Nagar, Hyderabad, Telangana State.

.. Petitioner

And

Hyderabad Metropolitan Water Supply & Sewerage Board,
Rep., by the Managing Director,
Sewerage Board, Khairatabad,
Hyderabad & another.

.. Respondents

HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH
सत्यमेव जयते

This court made the following :

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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ORDER :

Heard. With the consent of both counsel this writ petition is disposed of at the admission stage.

2. Vide order in G.O.Rt.No.246 dated 23.06.2015 disciplinary proceedings were initiated against the petitioner. According to the petitioner there is inordinate delay in completing the disciplinary proceedings and on the ground that disciplinary proceedings are pending, he is not considered for promotion as General Manager. The grievance of the petitioner is that on account of delay in concluding the disciplinary proceedings petitioner is ignored for promotion and two of his juniors are promoted.

3. Learned Government pleader produced instructions vide memo No.5809/Vig.II(1)/2014 dated 31.05.2016 furnished to him by the Government, which would disclose that the enquiry report submitted to the Government was considered and as the Government was not satisfied with the enquiry report, directed the Managing Director, HMWSSB, Hyderabad to scrutinize the report of the enquiry duly entrusting the work to the Senior Officer in the Board, who is well versed with the subject matter and furnish the specific remarks on the acceptability of the findings of the Inquiry authority.

4. It is not in dispute that there is no further progress in the matter and the issue of disciplinary action stands at that stage.

5. Learned Government Pleader submits that 18 officers are involved in this litigation and it is a common enquiry. Some of the officers have retired from service. Having regard to the fact that the disciplinary proceedings are proposed against all the 18 officers, out of whom some of them have retired, the Government initiated the process.

6. It appears that enquiry report is already submitted. But the issue is carrying dust since 31.05.2016, for inexplicable reasons in the office of the respondent-Board. When specifically asked, learned Standing counsel submits that the Board is in the process to submit the report very shortly, as sought for by the Government, apparently implying Board started the process only after this case is taken up.

7. Prima-facie, the procedure indicated by the Government in Para 2 of its memo does not appear to be valid and in consonance with the procedure of conducting disciplinary proceedings. However, as the same is not challenged, no opinion is expressed on the said issue and is left to be decided between the Board and the Government.

8. Having regard to the fact that already enquiry report was finalised, the respondents are directed to complete the disciplinary proceedings, as expeditiously as possible, preferably within a period of two (2) months from the date of receipt of copy of this order. For any reason there is further delay in concluding the disciplinary proceedings and the delay is not attributable to the petitioner, he may be considered for promotion without reference to the pending disciplinary proceedings, if petitioner is otherwise eligible for such promotion.

9. With the above directions, the Writ Petition is disposed of. There shall be no order as to costs.

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

P.NAVEEN RAO,J

15th February, 2017
Rds