

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Writ Appeal No.335 of 2017

Judgment: (Per the Hon'ble The Acting Chief Justice Ramesh Ranganathan)

The order under appeal is the interlocutory order passed by the Larned Single Judge in W.P.M.P. No. 821 of 2017 in W.P. No. 740 of 2017 dated 5-1-17, whereby the order of dismissal of the 1st respondent-writ petitioner was suspended pending further orders. The 1st respondent-writ petitioner was dismissed from service after an enquiry into the allegations of illegalities in disbursal of funds to ineligible persons. While the learned Single Judge has suspended the order of dismissal on the ground that it is bereft of reasons, the fact remains that the disciplinary authority has expressed his concurrence with the findings of the Enquiry Officer. In cases where the disciplinary authority concurs with the findings of the Enquiry Officer, it is unnecessary for him to assign independent reasons, apart from those assigned by the Enquiry Officer himself. (**Tara Chand v. Delhi Municipality**¹; **State of Assam v. Bimal Kumar Pandit**²).

While Sri M.Venkatram Reddy, learned counsel for the 1st respondent-writ petitioner, would raise other contentions before us, in support of his claim that the impugned order of dismissal is illegal, it must be borne in mind that the order under appeal is based solely on the ground that the order of the disciplinary authority is bereft of reasons.

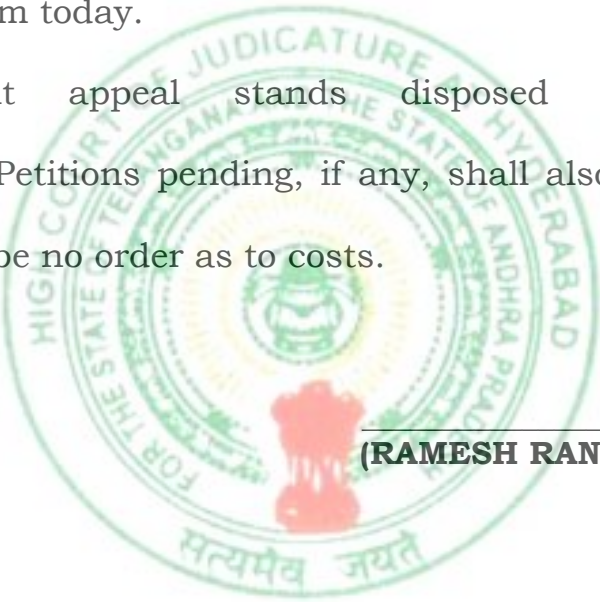
With a view to give the appellants-respondents an opportunity to put forth their submissions, now urged before us, in the writ petition, and as the appellants-respondents have not had the

¹ AIR 1977 SC 567

² AIR 1963 SC 1612

opportunity of filing their counter affidavit before the interim order was passed, we consider it appropriate to set aside the order under appeal, and restore the W.P.M.P. to file. The appellants-respondents shall file their counter affidavit within two weeks from today. It is open to Sri M. Venkatram Reddy, learned counsel for the 1st respondent-writ petitioner, to request the learned Single Judge to hear the W.P.M.P. any day after two weeks. While the order of dismissal shall continue to remain in force, the appellants shall not take any coercive steps for recovery of the amounts, allegedly due from the 1st respondent-writ petitioner, for a period of three weeks from today.

The writ appeal stands disposed of accordingly. Miscellaneous Petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.



(RAMESH RANGANATHAN, ACJ)

(Dr. SHAMEEM AKTHER, J)

21st March, 2017

Note:
Furnish c.c. in two days.
b/o
pnb

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Date: 21.3.2017

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