THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

AND

THE HON'BLE SMT. JUSTICE K.VIJAYA LAKSHMI

WRIT PETITION No. 33548 OF 2017

DATED 09TH OCTOBER, 2017

Between:

T.Ramachandrappa … Petitioner

AND

State of Andhra Pradesh,
Rep. by the Principal Secretary to Government,
Revenue (Regn.-I) Department, Secretariat,
Velagapudi, Amaravathi, Guntur District,
Andhra Pradesh, and others … Respondents

Counsel for the petitioner : Mrs. S.Pranathi

Counsel for respondent Nos. 1 to 4 : G.P. for Services (A.P.)

Counsel for respondent No. 5 : Sri M.Ratna Reddy

THE COURT MADE THE FOLLOWING

ORDER: (*per Hon'ble Sri Justice C.V.Nagarjuna Reddy*)

The unsuccessful applicant in O.A.No. 5003 of 2014 on the file of the Andhra Pradesh Administrative Tribunal at Hyderabad (for short, 'the Tribunal') filed this Writ Petition seeking quashing of order dated 04-09-2017 passed in the said O.A. along with orders dated 20-12-2008, 28-04-2010 and 25-04-2014.

2. We have heard Sri V.Ravichandran, learned counsel, representing Mrs. S.Pranathi, learned counsel for the petitioner, and perused the record.

3. The petitioner at the relevant point of time was Sub-Registrar. Following a surprise check by the A.C.B. on 06-08-2007, he was kept under suspension by order dated 20-08-2007. In contemplation of disciplinary proceedings, charge memo dated 23-10-2008 was issued framing the following charges:

> ***"ARTICLE OF CHARGE-1***
>
> *That Sri T.Ramachandrappa, the then Sub-Registrar, Vempalli and presently Superintendent O/o. Deputy Inspector General of Registration and Stamps, Kadapa while working as Sub-Registrar at S.R.O., Vempalli, has embezzled an amount of Rs.2,20,162/- during the period from 04-10-005 to 22-08-2007. This amount was collected from the parties in respect of registration of documents but failed to remit in to Govt. Treasury as per instructions.*
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> ***ARTICLE OF CHARGE-2***
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> *Sri T.Ramachandrappa, the then Sub-Registrar, Vempalli and presently Superintendent, O/o. Deputy Inspector General (R&S), Kadapa, while working as Sub-Registrar Vempalli during the period from 04-10-2005 to 22-08-2007 without insisting for designated bank challans, accepted payments towards deficit stamp duty and registration fees, etc., through cash exceeding the limit of Rs.1,000/- directly from the parties, without recording the reasons, in violation of Circular Memo No. G1/16619/03 dated 21-01-2004 of the Commissioner & Inspector General of Registration and Stamps, A.P., Hyderabad.*

ARTICLE OF CHARGE-3

> *Sri T.Ramachandrappa, the then Sub-Registrar, Vempalli and presently Supdt. O/o. Deputy Inspector General of Registration and Stamps, Kadapa, while working as Sub-Registrar, Vempalli during the period from 04-10-2005 to 22-08-2007 has failed to remit into the Treasury Branch at Pulivendula, the amounts collected up to and after business hours by a Bank, on the immediate following working day when it was not possible for him to remit the amounts so collected on the same day in violation of Circular Memo No. G1/16619/03 dated 08-01-2004 of the C & I.G of Registration and Stamps, A.P., Hyderabad."*

After the petitioner filed his written statement of defence, the disciplinary authority appointed inquiry officer. After holding inquiry, the inquiry officer submitted his report holding all the charges as proved. After furnishing inquiry report to the petitioner and receiving his objections to the same from him, the disciplinary authority dismissed the petitioner by order dated 20-12-2008. The said order was confirmed in appeal and also in revision by the orders passed by the appellate and revisional authorities on 28-04-2010 and 25-04-2014 respectively. All these orders were challenged by the petitioner in the aforementioned O.A. before the Tribunal. By the impugned order, the Tribunal dismissed the O.A.

4. The petitioner mainly raised two contentions before the Tribunal, namely; (1) that after the petitioner was dismissed from service, the jurisdictional criminal Court acquitted him of the same charges on which he was dismissed by the department and that therefore he is entitled to be reinstated and (2) that the inquiry officer has not properly appreciated the evidence and erroneously found the charges as proved. The Tribunal however rejected both these contentions.

5. At the hearing, learned counsel for the petitioner reiterated the same contentions as were advanced before the Tribunal. With regard to the first contention, learned counsel for the petitioner has not disputed that all the prosecution witnesses have turned hostile and that therefore the criminal Court has no option other than acquitting the petitioner. He has fairly conceded that the acquittal of the petitioner is not honourable one and that the same is based on benefit of doubt. The law is well settled that a person, who is acquitted of the charges in a criminal case in view of witnesses turning hostile or based on benefit of doubt, cannot claim the benefit of his acquittal for his reinstatement to the office. Therefore, the Tribunal has rightly rejected the first submission. Coming to the second submission of learned counsel for the petitioner, in support of the charges, the department has adduced evidence of the District Registrar (FAC), Proddutur, who submitted as many as three preliminary reports dated 19-09-2008, 29-09-2008 and 14-10-2008. He reiterated his findings in the preliminary reports and he was duly cross-examined on behalf of the petitioner. Except to the extent that the figures mentioned in his preliminary reports suffered from certain mistakes, nothing substantial could be elicited from him on the aspect that the petitioner failed to remit the amounts collected by him immediately after they were received and that there was substantial delay in their remittances.

6. Learned counsel for the petitioner submitted that at best it could be said that the petitioner temporarily misappropriated the amounts and that as he remitted the amounts later, it cannot be said that there was any loss to public exchequer. We are afraid we cannot accept this submission. The question is not whether the exchequer has suffered loss or not but the question is whether the petitioner has committed an act of misconduct by not remitting the amounts

immediately after he collected them. There does not appear to be serious dispute that he retained the amounts collected to the tune of Rs.2,20,162/- and remitted the same at a later point. Even in the absence of permanent misappropriation, the conduct of the petitioner shows the propensity of retaining the amounts belonging to the State evidently for his own personal gain even if it is for a short term. It is trite that in matters arising out of disciplinary proceedings, this Court would not act as an appellate body. Unless serious procedural illegalities or irregularities are pointed out or a case of findings not being based on any evidence is made out, the orders passed in departmental proceedings are seldom interfered with by the Courts and Tribunals. No such grounds have been pleaded or established by the petitioner in the instant case. Therefore, the Tribunal has rightly confirmed the orders of the hierarchical authorities.

7. One last point argued by learned counsel for the petitioner can be referred only to be rejected. He has submitted that one of the grievances raised before the Tribunal was that the revisional authority has not assigned reasons while dismissing the revision. Ordinarily, the scope of revision is narrow unlike that of an appeal. It is recognized in law that the order of revisional authority, confirming the orders of original and appellate authorities, need not contain elaborate reasons. At any rate, the appellate authority has passed a speaking order and even the Tribunal has also gone into the merits of the case while dismissing the O.A. We are therefore of the opinion that the fact of revisional authority not passing a speaking order has not in any manner caused prejudice to the interests of the petitioner.

8. For the abovementioned reasons, we do not find any merit in this Writ Petition and the same is accordingly dismissed.

9. As a sequel to dismissal of the Writ Petition, W.P.M.P.No. 41731 of 2017 shall stand dismissed as infructuous.

C.V.NAGARJUNA REDDY, J.

K.VIJAYA LAKSHMI, J.

Date: 09-10-2017.
JSK