

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

AND

THE HON'BLE SRI JUSTICE M.S.K.JAI SWAL

WRIT PETITION No.6967 of 2004

10.08.2017

Between:

The General Manager, South Central Railway ,
Rail Nilayam, Secunderabad and others

..Petitioners

and

A.Chinna Ankaiah

..Respondent

Counsel for the petitioners: Mr.R.S.Murthy

Counsel for the respondent: Mr.Ch.Ravinder

The Court made the following:



ORDER: (Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)

Order, dated 30.09.2003, in O.A.No.190 of 2001 of the Andhra Pradesh Administrative Tribunal, Hyderabad (for short 'the Tribunal'), whereby it has set aside the order removing the respondent from service and directed his reinstatement with all consequential benefits, is assailed in this writ petition.

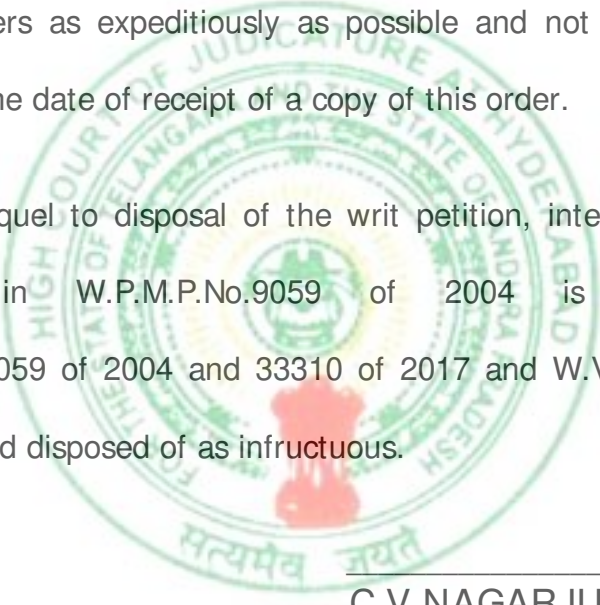
2. In the view we are proposing to take, we feel it unnecessary to refer to the facts in detail. It will suffice to note that the respondent was removed from service on the allegation that he obtained a false community certificate. However, the Tribunal has set aside the order of removal on technical ground that even before the competent authority cancelled the community certificate, the disciplinary proceedings were initiated and the order of removal was passed. Such disciplinary proceedings can be initiated only after the competent authority cancelled the community certificate is a well settled legal position as fairly conceded by Mr.R.S.Murthy, learned counsel for the petitioners.

3. During the pendency of this writ petition, the order of *status quo* was passed. Today, at the hearing, it is submitted by the learned counsel for both the parties that the respondent has been reinstated in pursuance of the order of the Tribunal and he is presently working. It is also brought to our notice that a fresh charge memo has been issued by the petitioners and the enquiry is pending. Further, the appeal filed by the respondent against the order of the competent authority cancelling his community certificate is also pending. Mr.R.S.Murthy, learned counsel for the petitioners, has submitted that his clients are prepared to proceed with the fresh enquiry. He has, however, expressed his apprehension that the

respondent may not cooperate with the enquiry on the ground of pendency of the appeal.

4. For the aforementioned reasons, the Writ Petition is disposed of by permitting the petitioners to proceed with the fresh enquiry by making it clear that mere pendency of the appeal filed by the respondent against the order cancelling his community certificate cannot be taken as a ground for stalling the enquiry proceedings. If the respondent does not cooperate with the petitioners in proper conduct of the enquiry, the latter are free to proceed with the enquiry strictly in accordance with law and pass final orders as expeditiously as possible and not later than three months from the date of receipt of a copy of this order.

5. As a sequel to disposal of the writ petition, interim order, dated 12.04.2004, in W.P.M.P.No.9059 of 2004 is vacated and W.P.M.P.Nos.9059 of 2004 and 33310 of 2017 and W.V.M.P.No.1608 of 2004 shall stand disposed of as infructuous.



C.V.NAGARJUNA REDDY, J

M.S.K.JAI SWAL, J

10th August, 2017
GHN