

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

AND

THE HON'BLE MS. JUSTICE J.UMA DEVI

WRIT PETITION No.20222 of 2017

22.06.2017

Between:

National Security Services,
represented by its Managing Director,
Kadapa City, Y.S.R.District

..Petitioner

and

The State of Andhra Pradesh,
represented by the Principal Secretary,
Law and Legislature Department, Guntur and others

..Respondents

Counsel for the petitioner: Mr.V.R.Reddy Kovvuri

Counsel for respondent No.1: Government Pleader
for Law and Legislature

Counsel for respondent Nos.2 and 3: --

The Court made the following:



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

This is a wholly needless writ petition filed by an outsourcing agency purporting to question a show cause notice issued by respondent No.2.

2. From the contents of the impugned show cause notice, it is evident that respondent No.2 being of the *prima facie* view that the petitioner has misappropriated the E.S.I. amounts and the service tax amounts recovered from the wages of the outsourced employees and also did not remit part of the amounts towards employees provident fund, has issued the said show cause notice. The petitioner has averred that if respondent No.2 is of the opinion that the former has not made proper remittances, the latter has power to withhold such amounts from the payments due to the petitioner and remit the same to the statutory authorities and that he has no jurisdiction to issue the show cause notice.

3. In our opinion, this plea of the petitioner is wholly misconceived. Respondent No.2, being the authority to whom the petitioner has supplied manpower, cannot be said to have no jurisdiction to issue the impugned show cause notice. Whether the contents of the show cause notice are correct or not cannot be and need not be adjudicated at this stage. If the petitioner is of the opinion that it is not liable for being proceeded for the offences such as criminal breach of trust as alleged in the show cause notice, it is entitled to submit its explanation. Indeed, the procedure to issue a show-cause notice before giving a Police report on commission of the alleged offence to the person against whom such report is intended to be made is alien to the criminal jurisprudence. However, to give a fair opportunity to the petitioner, respondent No.2 has

issued such a show cause notice. Instead of availing the opportunity of explaining to respondent No.2 that it has not committed any offence, the petitioner has filed this writ petition, which in our opinion, is wholly misconceived.

4. For the aforementioned reasons, the Writ Petition is dismissed.

5. As a sequel to dismissal of the writ petition, W.P.M.P.No.24774 of 2017 filed by the petitioner for interim relief shall stand dismissed as infructuous.

C.V.NAGARJUNA REDDY, J

J.UMA DEVI, J

22nd June, 2017
GHN

