

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE N. BALAYOGI

WRIT PETITION No. 623 of 2016

ORDER: *(per Hon'ble Sri Justice Sanjay Kumar)*

The petitioner is the applicant in O.A.No.6247 of 2015 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad. His prayer in the said O.A. was to declare the punishment of stoppage of one increment with cumulative effect imposed upon him *vide* proceedings dated 28.05.2014 of the Deputy Inspector General of Registration and Stamps, Eluru, as illegal, on the ground that a copy of the enquiry report based on which the said punishment was imposed was not furnished to him. By way of his interim prayer, he sought a direction to the authorities to consider his case for promotion to the post of Sub Registrar Grade - II along with other candidates by suspending the operation of the impugned proceedings dated 28.05.2014. By order dated 20.11.2015, the Tribunal denied interim relief to the petitioner on the ground that the same could not be granted unless the impugned proceedings dated 28.05.2014 were set aside. Aggrieved by the same, the petitioner filed this writ petition.

The Deputy Inspector General (Stamps and Registration), Eluru Range, filed his counter affidavit wherein he conceded that a copy of the enquiry report on the strength of which the punishment was imposed upon the petitioner was not supplied to him.

That being so, violation of the procedure prescribed under Rule 21(2) of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 (for short 'the Rules of 1991'), is manifest. This procedural violation being against the mandate of the Rules does not require any further prejudice being demonstrated by the petitioner. The

proceedings dated 28.05.2014 therefore stand vitiated on this ground. However, as rightly pointed out by the learned Government Pleader, the disciplinary proceedings would have to be continued from the stage of furnishing of the enquiry report to the petitioner.

This aspect of the matter does not fall for consideration in this writ petition and would normally have to be considered by the Tribunal in the pending O.A, in the first instance, but as the learned Government Pleader does not dispute violation of the legal mandate, we see no purpose in relegating the petitioner to the Tribunal once again.

The writ petition is accordingly allowed setting aside the proceedings dated 28.05.2014 of the Deputy Inspector General of Registration and Stamps, Eluru Range. The matter shall be taken up by the Disciplinary Authority from the stage of furnishing the enquiry report to the petitioner as required under Rule 21(2) of the Rules of 1991. Meanwhile, in the event the authorities take up the process of promotion to the cadre of Sub-Registrar Grade – II and the petitioner is otherwise within the zone of consideration, his case shall also be referred to the Departmental Promotion Committee for consideration in accordance with G.O.Ms.No.257, General Administration (Service.C) Department, dated 10.06.1999. Necessary steps may be taken before the Tribunal for closure of O.A.No.6247 of 2015 in the light of this order.

Pending miscellaneous petitions, if any, shall stand closed. No order as to costs.

Date: 18.04.2017

SANJAY KUMAR, J

N. BALAYOGI, J

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