

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.12079 OF 2017

DATED : 10.04.2017

Between :

Kolla Ramesh Babu, S/o.Late Satyanarayana,
Aged about 54 yrs, Occu : employee (under suspension),
R/o.H.No.2-61B, Jayaprakash Street,
Cumbum, Prakasam District.

Petitioner

And

The State of Andhra Pradesh,
Rep., by its Principal Secretary,
Department of Cooperation,
Secretariat, Hyderabad & others.

Respondents



This court made the following :

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ORDER :

Heard.

2. Petitioner worked as Secretary in the Cumbum Cooperative Bank Limited. In this writ petition petitioner challenges the notice issued by the Assistant Registrar (Retd.), acting as an enquiry officer and directing the petitioner to appear before him.

3. Learned counsel for the petitioner submits that the enquiry officer could not have straight away issued the notice as petitioner did not receive any information from the disciplinary authority of framing of charges and appointment of enquiry officer.

4. The writ petition is ordinarily not maintainable against the show cause notice or any other notice issued in the course of disciplinary action. This Court entertains the writ petition and issues appropriate directions only if it is alleged that the notice impugned is without jurisdiction and competence and is issued in malafide exercise of power.

5. The notice impugned is issued by the enquiry officer. Enquiry officer does not independently act, but acts on behalf of the disciplinary authority to conduct enquiry and to submit report on the allegations levelled against an employee, as directed by the disciplinary authority. Thus, if petitioner has any grievance in the manner of issuance of notice or conducting of enquiry, he should first complain to the disciplinary authority and seek appropriate clarification from him. Without complaining to the disciplinary authority, straight away, this writ petition is filed. No case is made out for interference of this Court at this stage.

6. Having regard to the above, the Writ Petition is dismissed leaving it open to the petitioner to represent to the disciplinary authority and seek clarification from the disciplinary authority on the notice issued by the enquiry officer and conducting of enquiry by him. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

10th April, 2017
Rds

P.NAVEEN RAO,J

