

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.15099 OF 2017

ORDER:

1. The miscellaneous proceedings issued against the petitioner resulted in dismissal from service by proceedings dated 29.10.2014 passed by the Transport Commissioner. The allegation levelled against the petitioner, in substance, is misappropriation of public funds. Criminal proceedings were also launched against him. Petitioner was accused No.3 in C.C.No.404 of 2012 on the file of the Court of I Additional Judicial Magistrate of First Class at Kothagudem. The charge levelled against the petitioner is similar to the charge in the departmental proceedings. The trial Court, by judgment dated 18.12.2015, acquitted the petitioner. After the acquittal, petitioner represented to the Transport Commissioner for reviewing the order of dismissal.

2. Though the petitioner has an alternative remedy of appeal, earlier the petitioner did not avail the remedy of appeal. This Court, in the facts of the case, is inclined to grant liberty to the petitioner to prefer appeal against the order of dismissal passed by the Transport Commissioner and in the said appeal, the petitioner may also place reliance on the acquittal judgment rendered by the criminal Court in C.C.No.404 of 2012.

3. This Writ Petition is disposed of granting liberty to the petitioner to file appeal against the punishment of dismissal before the Secretary/Principal Secretary to Government, Transport, Roads and Buildings Department raising all contentions including placing reliance on the acquittal judgment rendered by the criminal Court in C.C.No.404 of 2012. As and when such appeal

is preferred, the Principal Secretary/Secretary to Government shall consider the appeal taking note of the acquittal judgment rendered by the criminal Court in C.C.No.404 of 2012 and the decision taken shall be communicated to the petitioner within two (2) months from the date of receipt of such appeal. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

(P.NAVEEN RAO, J)

26th April 2017
RRB

