

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION (TR) No.386 OF 2017

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for the respondents.

The petitioner was originally appointed as Junior Assistant on 05.08.1993 in the office of Zilla Praja Parishad, S.P.S.R. Nellore district. She was initially transferred on deputation on 09.01.2000 and, subsequently, her services were regularized with effect from 16.06.2006 in the cadre of Junior Assistant in the office of the 1st respondent; thereafter, she was promoted to the post of Senior Assistant with effect from 26.08.2006. When she was eligible for promotion to the post of Superintendent, a charge memo was issued on 27.11.2007 framing one charge against her. The said charge memo was issued on the basis of the vigilance report dated 30.12.2006. Though the disciplinary proceedings ought to have been completed within 3 months in simple cases and 5 to 6 months in complicated cases *vide* Circular Memo dated 01.07.1998 and Memo dated 28.07.1999 and Circular Memo dated 21.08.2008 the same was not completed, the petitioner filed O.A. No.2060 of 2013 before the erstwhile Andhra Pradesh Administrative Tribunal and the same is transferred now and it is numbered as Writ Petition (TR) No.386 of 2017.

The respondents filed a counter stating that pursuant to the reference made to the Commissioner of Inquiries in G.O.Ms. No.1510 dated 22.10.2009, the Commissioner of Inquiries submitted an enquiry report. In the enquiry report it is stated that the petitioner was not responsible for submission of faulty proposals to the Government as she was transferred out of the concerned section in the year 2000 itself. The

enquiry authority has given his findings stating that the charges against the petitioner could not be proved and the orders of the Government on the basis of the enquiry report are awaited. As per the existing seniority list, the petitioner is at Serial No.2 and she is the 1st person eligible for promotion for Superintendent as 2 more vacancies of Superintendents are due to arise consequent to the retirement of 2 Superintendents. It is also stated that no junior to the petitioner was promoted in view of the *interim* orders of the Tribunal dated 26.03.2013.

In view of the above clear position with regard to the case of the petitioner, there is no need to grant any relief as sought for by the petitioner in the present writ petition challenging the memo dated 27.11.2007 framing the charge against the petitioner.

In view of the same, the writ petition is closed giving liberty to the petitioner and respondents to work out the situation based on the above facts. In consequence, miscellaneous petitions, if any, pending in this writ petition shall also stand closed. No order as to costs.

A.RAMALINGESWARA RAO, J

Date: 07-12-2017.
DSH

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

111



12122017

WRIT PETITION (TR) No.386 OF 2017

Date. 07-12-2017

DSH