

HON' BLE SRI JUSTICE SURESH KUMAR KAIT
&
HON' BLE DR JUSTICE SHAMEEM AKTHER

W.P. No. 12134 of 2009

O R D E R:- (ORAL)

(Per Hon' ble Sri Justice Suresh Kumar Kait)

This writ petition is filed seeking to quash the order dated 02.03.2009 in O.A.No. 6954 of 2003 passed by the Tribunal.

The case of the petitioner is that the respondents have initiated disciplinary proceedings against him vide Proceedings No. 2001/ ADB/ 2/ 2001, dated 01.03.2002 for the very same set of charges as were set out in the earlier proceedings No. 1626/ ADB/ 2/ 2000, dated 13.03.2001 which ended in imposition of punishment of reversion.

The learned counsel for the petitioner submits that respondent Nos.2 and 3, without canceling either earlier Charge Memo or the punishment order, proceeded afresh with the second Charge Memo dated 01.03.2002. The learned counsel further submits that for the same offence or act, the respondents have issued second Charge Memo and against commission of the same offence or act, the petitioner was already imposed with punishment of reversion to the post of Senior Assistant.

The case of the respondents is that the petitioner joined the A.P. Public Service Commission on 19.09.1975 as Typist

and he was subsequently promoted to the posts of Senior Assistant and also Superintendent. While the petitioner was working in the capacity of Superintendent, the 3rd respondent – A.P.P.S.C. in its proceedings mentioned above, issued Charge Memo proposing to hold an enquiry into the following alleged charges:

“Gross misconduct in securing loans from various Banks to the tune of Rs.1,36,800/- by producing fake surety documents during the year 1999, deceiving the Bank authorities and the Commission's Office.”

The learned Government Pleader for Services appearing on behalf of the respondents submits that even after the petitioner was imposed punishment of reversion, he again continued the same act of obtaining bank loans by submitting fake documents from different Banks which are not connected with the charges framed in the earlier Charge Memo. Therefore, after following the A.P.C.S. (CC&A) Rules scrupulously in accordance with the report submitted by the Enquiry Officer, the charges framed against him are proved, and in view of the same, orders of punishment have been issued.

The petitioner has failed to show there is any irregularity or illegality on the part of the Tribunal in passing the impugned order. It is not in dispute that the petitioner again committed the same act of obtaining Bank loans by

submitting fake documents from different Banks which has nothing to do with the charges leveled against him in the earlier Charge Memo after following the A.P.C.S(C.C.&A) Rules.

Hence, we find no merit in the writ petition and the same is accordingly dismissed. No order as to costs.

As a sequel, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

17.07.2017

bcj

SURESH KUMAR KAIT, J

DR. SHAMEEM AKTHER, J

