

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND
HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

WRIT PETITION No.3111 of 2017

Date:30.8.2017

Between:

N.Srikanth,
S/o N.Surender

..... Petitioner

And:

The State of Telangana, reptd by its
Principal Secretary, Revenue
Department, Hyderabad and another.

.....Respondents

Counsel for the petitioner: Mr. K.G.Krishna Murthy,

Senior counsel

For Mr. B.Krishna

Counsel for the respondents: GP for Services (TS)

The Court made the following:

ORDER: (per Hon'ble Sri Justice C.V.Nagarjuna Reddy)

This Writ Petition is filed for the following substantive relief:

“... to issue a Writ, order or direction, more particularly a Writ of *Mandamus* declaring the action of the respondents in not implementing the orders passed by the Hon'ble A.P. Administrative Tribunal in O.A.No.4161 of 2015, dated 06-11- 2015, wherein the respondents are directed to consider petitioner's case as per his merit, in any of the vacancies arising out of cancellation of appointments against which OAs were not filed and pass appropriate orders on merits, as illegal, improper and unjust and to direct the respondents to implement the orders passed by the Hon'ble A.P. Administrative Tribunal in O.A.No.4161 of 2015, dated 06-11-2015.”

Respondent No.2 has filed a detailed counter-affidavit, wherein he has *inter alia* stated that a detailed enquiry revealed that one Lingampalli Venkanna, S/o Mallaiah belonging to B.C. category, has impersonated himself as Nakkili Srikanth, S/o N.Surender, claiming himself to be belonging to Scheduled Tribe, for claiming appointment as Office Subordinate and that the said person has fabricated the Marks Memo, Transfer, Community and Date of Birth Certificates, etc and filed this Writ Petition.

On 16.8.2017, this Court has passed the following order:

“ This Writ Petition is filed in the name of N.Srikanth with the purported grievance that order, dated 06.11.2015, in O.A.No.4161 of 2015 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad (for short ‘the Tribunal’) is not being implemented.

Respondent No.2 filed a detailed counter-affidavit, wherein he has *inter alia* stated that a detailed enquiry revealed that one Lingampally Venkanna, S/o Mallaiah, belonging to B.C category, has impersonated himself as Nakkili Srikanth, S/o Nakkili Surender claiming himself to be belonging to Scheduled Tribe for claiming appointment as Office Subordinate and that, the said person has fabricated the Marks memo, Transfer, Community and Date of Birth Certificates, etc.

Upon receiving the counter-affidavit, letter, dated 06.7.2017, was addressed by the learned counsel for the petitioner to the Registrar (Judicial) seeking to post the Writ Petition before the Court for withdrawal of the same. Obviously, on being *prima facie* satisfied that the petitioner played fraud, a Division Bench of this Court has directed the counsel for the petitioner as well as the party to be personally present. Accordingly, the party is personally present. When he was asked as to what his name is, he has candidly stated that his name is Lingampalli Venkanna and his father's name is Mallaiah and that, on the advice of one Srinivasulu Reddy, Deputy Secretary, who was earlier working in Andhra Pradesh State and now working in Telangana State, he has indulged in fabrication of the documents and impersonation.

To the query of this Court, the learned Assistant Government Pleader for Services (Telangana State) stated that so far, criminal case has

not been registered and enquiry against the said Srinivasulu Reddy has not been started.

In view of the admission by the party that he has indulged in impersonation and also created bogus certificates for claiming employment, the respondents are directed to take stringent action against the party, *i.e.*, Lingampalli Venkanna. The respondents shall also forthwith initiate enquiry against the said Srinivasulu Reddy, whose name finds a reference in the statement of the party recorded on 25.7.2017 and is extracted in the counter-affidavit. If any *prima facie* material is found on the involvement of the said Srinivasulu Reddy, the respondents must also initiate criminal proceedings besides initiation of departmental proceedings against him. However, before the issue is brought to its logical end, we do not intend to close the Writ Petition.

Post on 30.8.2017 along with Writ Petition No.21936 of 2017. In the meantime, respondent No.1 must file his report as to the action taken against the party as well as the said Srinivasulu Reddy.”

In due compliance with the above referred order, respondent No.2 has filed an additional counter-affidavit, wherein he has *inter alia* stated as follows:

“It is submitted that through the District Collector, Ranga Reddy, Notification No.A2/2342/2011, dated 05.3.2013, a notification has been published for recruitment of SC/ST backlog posts of Office Subordinate and other posts in various departments and applications were received at Special Counter located at Collectorate, Ranga Reddy District, Spoorthy Bhavan, Lakdikapool, Hyderabad – 500 004. Qualifying educational criteria for the post of

Office Subordinate is 7th Class. All the applicants were advised to endorse 7th Class Marks memo. It is submitted that (22) candidates were selected as per merit in 7th Class.

Sri N.Srikanth, S/o N.Surender filed a O.A. before the Hon'ble A.P.A.T, with a request to consider him to the post of the Office Subordinate in the Notification No.A2/2342/2011, dated 05.03.2013 when certain employees were terminated from service as they have submitted the fabricated documents to obtain such job. The Hon'ble Tribunal was pleased to pass the following orders in O.A.No.4161 of 2015, dated 06.11.2016 as

"Directed the respondents to consider the case of the applicant as per the merit, in any of the vacancies arising out of cancellation of appointments against which O.As were not filed."

In continuation to the O.A. filed the applicant has approached the Hon'ble High Court. The Hon'ble High Court in W.P.No.3111 of 2017, dated 13.6.2017, has passed orders as follows:

"This Writ Petition is filed seeking a direction to the respondents to comply with the order, dated 06.11.2015, passed by the Tribunal in O.A.No.4161 of 2015, whereby the Tribunal, while allowing the O.A. directed the respondents to consider the case of the petitioner as per his merit in any of the vacancies arising out of cancellation of appointments against which O.As were not filed and pass appropriate orders on merits within a period of six weeks.

As stated by the learned counsel for the petitioner, till date, the aforesaid order has not been complied with.

We note, the present Writ Petition was listed for the first time on 31.01.2017 and the learned Government Pleader sought time to get

instructions. Thereafter, on three occasions, the matter was adjourned. However, till date, the impugned order has not been complied with.

As adjournment is sought by the learned Government Pleader to verify as to whether the impugned order is complied with or not, at his request, list the matter on 04.7.2017.

It is made clear that if the impugned order is not complied with by the next date of hearing, respondent No.2-District Collector shall personally remain present in the Court on the next date of hearing.”

Learned Government Pleader for Services (Telangana) informed the Court that the said V.Srinivasulu Reddy is working as Deputy Superintendent in Children, Disabled and Senior Citizens Department in Andhra Pradesh Secretariat, Guntur and that therefore, no disciplinary action could be initiated against him by the Government of Telangana.

While we appreciate the action taken by respondent No.2 in compliance with the order, dated 16.8.2017, of this Court, both the respondents are directed to ensure that the involvement of V.Srinivasulu Reddy in the alleged fraud and the registration of criminal case against him are intimated to the competent authority of the Government of Andhra Pradesh, with a request to initiate appropriate action against him. As the party (Lingampally Venkanna, S/o Mallaiah) himself admitted that he has made a fraudulent attempt to claim employment by

impersonating himself as Nakkili Srikanth, the Writ Petition is dismissed with costs of Rs.5,000/- (Rupees Five thousand only) payable to the Chief Justice Relief Fund within four weeks from today.

As a sequel to dismissal of the Writ Petition, WPMP.No.3676 of 2017 is dismissed as infructuous.

JUSTICE C.V.NAGARJUNA REDDY

JUSTICE GUDISEVA SHYAM PRASAD

30th August 2017

DR

