

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE N. BALAYOGI

WRIT PETITION No. 14290 of 2016

ORDER: *(per Hon'ble Sri Justice Sanjay Kumar)*

The petitioner is the applicant in O.A.No.551 of 2013 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad. She filed the said O.A. challenging the Charge Memo dated 22.10.2011 issued by the Regional Director of Medical and Health Services, Rajahmundry, East Godavari District, and seeking a consequential direction to the authorities to consider her case for promotion as an Administrative Officer. By order dated 27.07.2015, the Tribunal dismissed the O.A. Hence, this writ petition.

The charge against the petitioner was that she produced a Senior Secondary School Education Certificate from a fake institute, viz., All India Board of Secondary Education, Delhi. This qualification was equivalent to Intermediate course in the State of Andhra Pradesh. Pursuant to the issuance of the Charge Memo dated 22.10.2011, an Enquiry Officer was appointed but it is admitted by the learned Government Pleader for Services (Andhra Pradesh) that he demitted office as such and a new Enquiry Officer is yet to be appointed. She also admits that the petitioner was subjected to criminal proceedings in relation to the very same issue in C.C.No.174 of 2011 on the file of the learned IV Additional Judicial Magistrate of First Class, Kakinada, and the petitioner was acquitted *vide* judgment dated 02.09.2014.

Insofar as the petitioner's qualification is concerned, it is an admitted fact that she thereafter obtained a degree from Madhurai Kamaraj University, Tamilnadu, through distance education. Her

continuance in service basing on the subsequent qualification therefore stands saved. However, as the disciplinary proceedings initiated against her have not been concluded, her case is not being considered for further promotion.

This Court has time and again held that it is not open to the authorities to delay disciplinary proceedings indefinitely. In the present case, the Charge Memo was issued as long back as in the year 2011 but the enquiry is yet to commence. The acquittal of the petitioner in the criminal case on the same charge was in September 2014.

Given the aforestated facts, we are of the opinion that the authorities cannot further protract the disciplinary proceedings initiated against the petitioner to her detriment.

The writ petition is accordingly disposed of directing the respondents to conclude the disciplinary proceedings in their entirety against the petitioner within two months from the date of receipt of a copy of this order. In the event they fail to do so, the Charge Memo dated 22.10.2011 shall stand quashed.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

N. BALAYOGI, J

Date: 19.04.2017
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