

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.4067 of 2017

Date: 08.02.2017

Between:

Eeshwaraiah S/o Suguraiah,
Aged 46 years, Occu: Govt.Teacher,
R/o. Rajoli Village, Waddepalli Mandal,
Jogulamba Gadwal District (erstwhile
Mahabubnagar District), Telangana State.

.....Petitioner

and

The State of Telangana, rep.by its
Principal Secretary, Education Department,
Secretariat, Hyderabad and another

.....Respondents



The Court made the following:

HONOURABLE SRI JUSTICE P.NAVEEN RAO

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ORDER:

Petitioner challenges the show-cause notice, dated 06.01.2017 issued in exercise of power under Rule 25 of Civil Service (CC & A) Rules 1991 (for short, Rules 1991) calling upon the petitioner to submit his explanation as to why punishment should not be imposed based on the conviction in SC No.114 of 2013 on the file of Assistant Sessions Judge, Gadwal. Rule 25 of Rules 1991 enables the disciplinary authority to dispense with conducting of enquiry and following the procedure as envisaged in Rules 20 to 24 of the Rules, 1991 when the employee is convicted by the competent Court. Thus, there is no dispute of valid exercise of power by the disciplinary authority. It is not in dispute that petitioner was convicted and sentenced to undergo Rigorous Imprisonment for five years and imposed with fine of Rs.5,000/-. The said conviction and sentence was confirmed by the appellate Court also. I do not see any illegality in exercising of power under Rule 25 of the Rules 1991 warranting interference by the writ Court at the stage of show-cause notice. Writ petition is dismissed as premature, leaving it open to the petitioner to file his explanation to the show-cause notice, dated 06.01.2017.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

JUSTICE P.NAVEEN RAO

Date: 08.02.2017
kkm

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