

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

WRIT PETITION No.26550 of 2016

ORDER: (per SK,J)

The State of Andhra Pradesh and its police authorities filed this writ petition aggrieved by the order dated 19.11.2013 passed by the Andhra Pradesh Administrative Tribunal, Hyderabad, in O.A.No.5329 of 2011. The said O.A. was filed by the first respondent herein assailing the disciplinary proceedings initiated against him vide Charge Memo dated 02.06.2011. By the order under challenge, the Tribunal set aside the Charge Memo and the appointment of the Enquiry Officer.

Learned Government Pleader would state that the only issue that arises for consideration in this writ petition is that the Tribunal did not grant liberty to the authorities to initiate action afresh while setting aside the earlier disciplinary proceedings.

Sri P.Srinivas Rao, learned counsel for the first respondent, would point out that the present writ petition was filed nearly three years after the date of disposal of the O.A. by the Tribunal and would contend that as the first respondent is nearing the fag end of his service, he should not be subjected to disciplinary proceedings.

Learned Government Pleader would counter this argument by stating that the delay ensued because of the bifurcation of the erstwhile combined State of Andhra Pradesh and assert that the seriousness of the charge framed against the first respondent warrants fresh disciplinary action.

As the Tribunal set aside the appointment of the Enquiry Officer and the Charge Memo issued earlier on technical grounds, we are of the

opinion that the Tribunal ought to have granted liberty to the authorities to initiate action afresh. Ordinarily, an employee who is charged with misdemeanour cannot be let off entirely on technical grounds. In the present case, one of the charges against the first respondent is that he took a bribe. A serious allegation of this nature warrants enquiry and disciplinary action, if found justified.

That being so, we dispose of the writ petition confirming the order passed by the Tribunal setting aside the earlier disciplinary proceedings but granting liberty to the authorities to initiate disciplinary action afresh against the first respondent in accordance with law, if they so choose.

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

JUSTICE SANJAY KUMAR

JUSTICE N.BALAYOGI

Date:09.03.2017

GJ

