

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLE DR JUSTICE SHAMEEM AKTHER

Writ Appeal No.204 of 2017 & Writ Petition No.40339 of 2016

COMMON JUDGMENT: (Per the Hon'ble the Acting Chief Justice Ramesh Ranganathan)

This appeal, under Clause 15 of the Letters Patent, is preferred against the order passed by the Learned Single Judge in W.P.M.P.No.49697 of 2016 in W.P.No.40339 of 2016 dated 22.11.2016.

In W.P.No.40339 of 2016 the appellant-writ petitioner sought a mandamus to declare the action of the District Collector, Sangareddy in not passing final orders, on the enquiry report submitted by the enquiry officer, as illegal; and for a consequential direction to the respondents to consider her case for promotion to the post of Deputy Collector without reference to the charge memo dated 13.04.2016. In W.P.M.P.No.49697 of 2016 the appellant-writ petitioner sought a direction to the respondents to consider her case for promotion to the post of Deputy Collector in the ensuing promotional DPC without reference to the charge memo dated 13.04.2016.

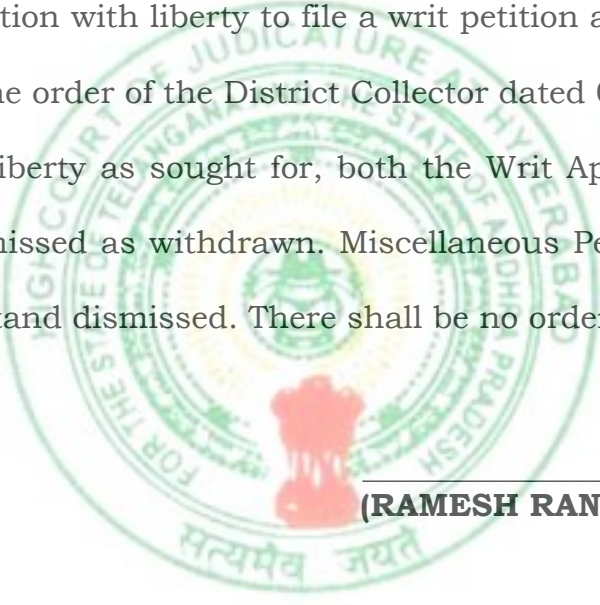
In the order under appeal, the Learned Single Judge observed that the interim order, sought by the appellant-writ petitioner, could not be granted since the enquiry proceedings initiated against her were still pending.

While Sri K.G.Krishna Murthy, learned Senior Counsel appearing on behalf of the appellant-writ petitioner, would submit that, on completion of the enquiry, the enquiry officer submitted a report holding the appellant-writ petitioner not guilty of the charge; and the 3rd respondent had kept the matter pending with him for the past ten months without passing any order thereupon, learned Government Pleader for Services has placed before this Court a copy of the order passed by the 3rd respondent on 04.02.2017 holding that, since the enquiry officer had failed to conduct the enquiry with reference to the

documentary evidence, re-enquiry should be conducted into the matter. The Joint Collector, Sangareddy was re-appointed as an enquiry officer to enquire into the irregularities committed by the appellant-writ petitioner and to give fresh findings uninfluenced by the findings of the previous Enquiry Officer within a period of six weeks.

While Sri K.G.Krishna Murthy, learned Senior Counsel appearing on behalf of the appellant-writ petitioner, would submit that the 3rd respondent lacks jurisdiction to order re-enquiry, these are matters which can only be examined in writ proceedings where the order of the 3rd respondent dated 04.02.2017 is subjected to challenge. Learned Senior Counsel would seek permission to withdraw both the writ appeal and the writ petition with liberty to file a writ petition afresh questioning, among others, the order of the District Collector dated 04.02.2017.

Granting liberty as sought for, both the Writ Appeal and the Writ Petition are dismissed as withdrawn. Miscellaneous Petitions pending, if any, shall also stand dismissed. There shall be no order as to costs.



(RAMESH RANGANATHAN, ACJ)

(DR. SHAMEEM AKTHER, J)

20th February, 2017
JSU

**THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE DR JUSTICE SHAMEEM AKTHER**



Writ Appeal No.204 of 2017 & Writ Petition No.40339 of 2016

Date: 20.02.2017

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