

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.11948 OF 2017

DATED : 06.04.2017

Between :

P. Satyanarayana Raju,
S/o.Late Ramachandra Raju, Age : 57 yrs,
Occu : Tahasildar, R/o.Chevella,
Ranga Reddy District.

Petitioner

..
And

State of Telangana,
Rep., by its Principal Secretary,
Revenue Department,
Secretariat Buildings, Hyderabad & another.

Respondents



This court made the following :

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ORDER :

Heard.

2. Petitioner worked as Tahsildar. ACB conducted raid and laid trap on the petitioner on 23.06.2010. Immediately, thereafter, petitioner was placed under suspension. ACB filed final report on the allegations made against the petitioner. The Government instead of granting permission to ACB to prosecute the petitioner, decided to initiate departmental enquiry and to this extent a decision was communicated by the Government. However, it took almost three years to Government to formulate the charges and to communicate the same to the petitioner. The charge memo was drawn on 31.03.2016. Petitioner filed his explanation on 18.06.2016 and thereafter there is no progress. Alleging inaction in completing the disciplinary proceedings and not considering the petitioner for promotion, this writ petition is filed.

3. According to the petitioner, promotions are being taken up to the post of Deputy Collector on adhoc basis. Some of the juniors to the petitioner are already promoted. Such action of the respondents is assailed as arbitrary and discriminatory.

4. Having regard to the background of the issue which ultimately resulted in formulating the charges against the petitioner, this Court is not inclined to grant the relief of consideration for promotion straight away. Since petitioner is the only person involved in the disciplinary action and there was

inordinate delay in formulating the charges, the Court is inclined to dispose of the writ petition with the following order :

i) The Chief Commissioner of Land Administration (2nd respondent) is directed to ensure that if the explanation filed by the petitioner is not acceptable and intend to conduct oral enquiry, time schedule shall be fixed commensurate with the procedure envisaged under the Andhra Pradesh Civil Services (CCA) Rules, 1991 and shall complete entire disciplinary proceedings as expeditiously as possible, preferably within a period of three (3) months from the date of receipt of copy of this order.

ii) Petitioner shall cooperate and adhere to the schedule fixed by the 2nd respondent. If for any reason petitioner does not cooperate in complying with the directions of this Court, it is open to the 2nd respondent to hold *ex parte* enquiry and to conclude the disciplinary proceedings. For any reason there is delay and the delay is not attributable to the petitioner in conclusion of disciplinary proceedings, the claim of the petitioner shall be considered for promotion on adhoc basis subject to his eligibility and suitability in compliance with the order in G.O.Ms.257 dated 10.06.1999, (a) by duly taking note of the fact that though the disciplinary proceedings were actually proposed in the year 2013, there was delay of three years in formulating the charges (b) delay in completing disciplinary action is purely administrative and (c) the fact that petitioner has an outstanding record of service for the years 2011 to 2014 and very good performance for the years 2014 to 2016 as assessed by the 2nd respondent. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

P.NAVEEN RAO,J

6th April, 2017

Note : Issue c.c. in two (2) days

B/o.

Rds

