

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WP No.31414 of 2017

ORDER:

In the this writ petition, the petitioner assails the memo dated 06-06-2017 passed by the 2nd respondent in directing him to submit further explanation to the show cause notice issued to him in connection with his suspension from service on the alleged ground of unauthorized absence from duties.

2. Learned counsel for the petitioner submits that the 2nd respondent earlier issued show cause notice dated 04-04-2017 wherein, the 2nd respondent while referring to the enquiry report submitted by the Enquiry Officer, show caused the petitioner why suitable disciplinary action awarding minor punishment should not be imposed on him for the lapses stated therein, that itself amounts to pre-judging the issue. It is further stated by learned counsel that the 2nd respondent issued the impugned memo dated 6-6-2017 to submit further explanation to the show cause notice issued to him, without considering his explanation earlier submitted and, therefore, the impugned memo is bad in law and liable to be set aside.

3. Heard learned Government Pleader for Services for respondent no.1 and Sri N. Bhupal Reddy, learned counsel for respondents 2 to 4.

4. It is to be seen that the earlier the petitioner was issued with show cause notices and an enquiry officer was also appointed and report is also seems to have been submitted, based on which the petitioner was issued with further show cause notice proposing to impose minor punishment. The petitioner sought for copy of

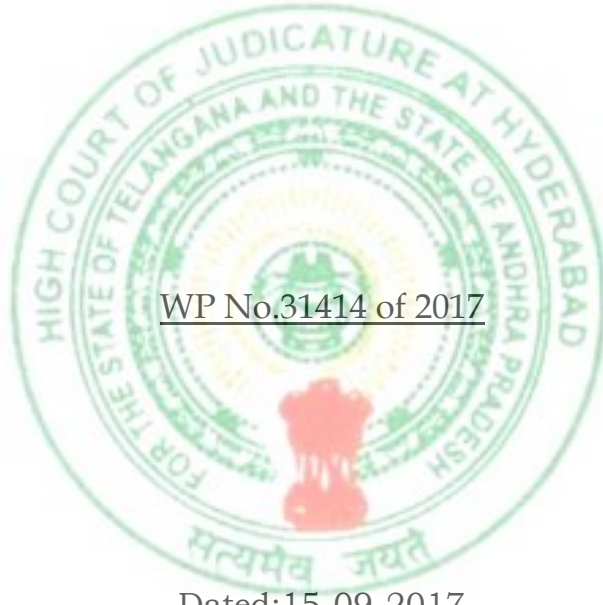
the enquiry report and the same was furnished to him and, thereafter, by the impugned memo dated 6-6-2017, the petitioner was asked to submit further explanation.

5. Though the petitioner's counsel contend that the petitioner was not given opportunity to participate in the enquiry proceedings, muchless cross examining the witnesses examined by the Department, it is to be seen that no final order is passed and the petitioner was only asked to submit further explanation by the impugned memo dated 6-6-2017. If there are any procedural lapses in conducting enquiry against the petitioner, it would certainly enure to the benefit of the petitioner. As things stand, no final order is passed. This writ petition is directed only against the direction directing the petitioner to submit further explanation. In the circumstances, I do not see any merit in this writ petition and it is accordingly dismissed. However, it is open for the petitioner to submit explanation to the impugned memo dated 6-6-23017, if not already filed, within a period of two weeks from the date of receipt of a copy of this order. Miscellaneous petitions, if any pending in this case are also dismissed. There shall be no order as to costs.

A.RAJASHEKER REDDY, J

Dated:15-09-2017
NRG

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