HON'BLE SRI JUSTICE SURESH KUMAR KAIT
&
HON'BLE SRI JUSTICE U. DURGA PRASAD RAO

W.P. No. 25450 of 2016

O R D E R:- (ORAL)
(Per Hon'ble Sri Justice Suresh Kumar Kait)

This writ petition is filed assailing the order dated 14.10.2014 in O.A.No. 8324 of 2012 passed by the Tribunal, whereby the O.A. filed by the petitioner was dismissed.

The case of the petitioner is that while he was working as Revenue Inspector, PTM Mandal, Madanapalli, Chittoor District, the 3rd respondent issued a Charge Memo dated 07.04.2010 alleging that the petitioner prepared a list of ineligible beneficiaries for assignment of surplus lands for distribution to the landless poor in 5th Phase Assignment Programme. The petitioner submitted his explanation to the Charge Memo on 19.06.2010. Being not satisfied with the explanation, the 3rd respondent appointed an Enquiry Officer (Special Deputy Collector) who submitted a report. Based on the enquiry report, the 3rd respondent issued Show Cause Notice dated 06.10.2010 to the petitioner holding that charge framed against him is proved and sought his explanation as to why "reduction of rank" shall not be imposed against him. The petitioner submitted explanation on 02.12.2010 to the Show Cause Notice, however being not satisfied with it, the 3rd respondent imposed punishment of stoppage of four annual grade increments with cumulative effect vide proceedings dated 30.12.2010 issued under Rule 9(vii)(b) of the A.P. Civil Services (CC&A) Rules, 1991.

Being aggrieved, the petitioner filed an appeal before the appellate authority and the same was also dismissed vide order dated 30.12.2012. Challenging the order of the appellate authority, the petitioner filed O.A.No. 8324 of 2012, and the Tribunal, by the impugned order dated 14.10.2014, dismissed the O.A.

The learned counsel for the petitioner submits that the disciplinary authority imposed similar punishment on all the charged officers, however the appellate authority has reduced the penalty imposed on the Mandal Revenue Officer to two annual grade increments without cumulative effect, whereas the punishment imposed on the petitioner by the disciplinary authority was maintained by the appellate authority. He submits that the duty of the petitioner was to submit papers before the Committee constituted, therefore, his misdemeanor is less than that of the Mandal Revenue Officer and other charged officers being members of the Committee.

After considering the rival contentions, the learned Tribunal, while dismissing the O.A. filed by petitioner, opined that the proceedings before the competent authority clearly show that the petitioner was given ample opportunity during the enquiry of allegations levelled against him and the impugned punishment was imposed in view of the gravity of the charges levelled against him duly following the procedure contemplated under the provisions of A.P. Civil Service (CC&A) Rules, 1991.

We note, in the proceedings dated 20.05.2014 issued by the appellate authority – Chief Commissioner of Land Administration, regarding reduction of the punishment of the Mandal Revenue Officer, the District Collector, Chittoor had not given any opportunity to the petitioner to prove that it was not the final list and they were not issued any DKT pattas and also did not issue any Show Cause Notice to the said charged officer to offer explanation in this regard but simply appointed an Enquiry Officer for conducting enquiry into the matter and to report the facts of the case.

It is pertinent to mention here that the Mandal Revenue Officer is a supervisory officer who has to rely upon the list provided by the field officer, therefore, he was not directly involved in the irregularity by including the names of ineligible persons in respect of assignment of the Government land.

The explanation given by the petitioner is that he was discharging official duties as Mandal Revenue Inspector, PTM Mandal sincerely and diligently and when it was proposed to grant assignment to the landless poor under 5th phase assignment programme, the field level officers such as Village Revenue Officer who have enquired about the selection process have stated that the selection process was made exclusively and the same does not suffer from any infirmity or lacunae. He verified the list of the proposed beneficiaries and took maximum care to eliminate ineligible beneficiaries. As the T. Sodum village is in the corner of PTM Mandal and adjoining to Karnataka boarder, he could not bestow the best of his attention to weed out the ineligible beneficiaries.

We note, the petitioner in his explanation submitted that he regretted for the lapse and assured that he would be more careful in future in discharging his official duty. By addition three names namely C.P. Subba Reddy, C.P. Venu and C.P. Suresh Babu in the list of beneficiaries who are ineligible and wealthy persons, the petitioner tried to deviate the very purpose of the scheme. The land had to be allotted in favour of the poor landless people whereas the petitioner prepared a list by adding the names of the above three wealthy persons.

Thus, the petitioner cannot be spared of the punishment awarded to him by the disciplinary authority. The petitioner is held responsible for not verifying the antecedents of three persons however he submitted the papers to the Committee.

The learned counsel for the petitioner has relied upon a judgment of the Supreme Court reported in Rajendra Yadav v. State of Madhya Pradesh and Others[1] which, in our considered opinion, is not relevant to the facts and circumstances of the present case.

In view of the above findings recorded by the Tribunal, we find no illegality or perversity in the impugned order dated 14.10.2014 passed by the Tribunal.

Accordingly, the writ petition is devoid of merits and the same is accordingly dismissed confirming the order of the Tribunal.

As a sequel, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

SURESH KUMAR KAIT, J

07.07.2017

U.DURGA PRASAD RAO, J

bcj

[1] (2013) 3 SCC 73