

The Hon'ble Sri Justice V. RAMASUBRAMANIAN
and
The Hon'ble Sri Justice M. GANGA RAO

WRIT PETITION No.38957 OF 2017

Date:21.11.2017

Between:

T. Sree Rama Murthy S/o.Venkata Krishnaiah,
Aged 64 years, Revenue Inspector (Retd),
O/o.Mandal Revenue Officer, Peddygudem Mandal,
Krishna District, P/o.D.No.8/ 250, Bhargavapeta,
Mangalagiri, Guntur district, Andhra Pradesh.

...Petitioner

Vs.

State of Andhra Pradesh,
Rep. by its Principal Secretary,
Revenue (Ser.IV) Department,
Velagapudi, Amaravathi, Guntur District
and others.

... Respondents

For Petitioner : Sri A. Rajendra Babu

For Respondents : G. P. for Services (AP)



HON' BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

HON' BLE SRI JUSTICE M. GANGA RAO

WRIT PETITION No.38957 OF 2017

ORDER: (per V. Ramasubramanian, J)

Not really aggrieved by the direction ultimately given by the Andhra Pradesh Administrative Tribunal in his Original Application, but actually worried about the observations made in the penultimate paragraph of the judgment of the Tribunal, a person who retired from service as Revenue Inspector longtime ago, has come up with the above writ petition.

2. Heard Mr. A. Rajendra Babu, learned counsel appearing for the petitioner. Learned Government Pleader for Services takes notice for the respondents.

3. The petitioner retired from service on 31.03.2010. Thereafter an enquiry was initiated and enquiry report has also been submitted. But, since the proceedings are under Rule-9(2)(a) of the Andhra Pradesh Revised Pension Rules, 1980, the final order has to be passed by the Government.

4. Since no benefits were granted to him for the past more than 7 ½ years, the petitioner filed an application before the Tribunal. Finding that no positive direction can be issued in cases of this nature, the Tribunal directed the District Collector, to forward the entire disciplinary proceedings to the Government within a period of four weeks, so that the Government could pass final orders at the earliest.

5. In the course of issuing such a direction, the Tribunal also recorded in the penultimate paragraph of its order that the charges held proved against the petitioner are grave in nature involving loss to the

exchequer. The petitioner is worried that this can be taken to be a finding by the Government and the Government may pass orders without application of mind.

6. The grievance of the petitioner is fairly justified. The Government is yet to make up its mind as to whether to accept the enquiry report and or to impose a penalty or discharge the petitioner. Therefore, the findings in paragraph-3 of the order of the Tribunal should not be taken as a signal as to how the final order should proceed.

7. Therefore, after clarifying that the Government should not take the observations in paragraph-3 of the order of the Tribunal, as conclusive, but that the Government should independently consider the enquiry proceedings and the report and reach a final conclusion, the Writ Petition is closed. The District collector should forward the entire set of documents to the Government within a period of four (4) weeks as stated by the Tribunal. Within eight (8) weeks thereafter, the Government shall pass final orders. The petitioner shall submit his correct address to the District Collector and the Government.

8. As a sequel thereto, miscellaneous petitions, if any, pending shall stand dismissed. No order as to costs.

V. RAMASUBRAMANIAN, J

M. GANGA RAO, J

November 21, 2017
KTL