

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

AND

THE HON'BLE SMT. JUSTICE K.VIJAYA LAKSHMI

WRIT PETITION No. 35851 OF 2017

DATED 27TH OCTOBER, 2017

Between:

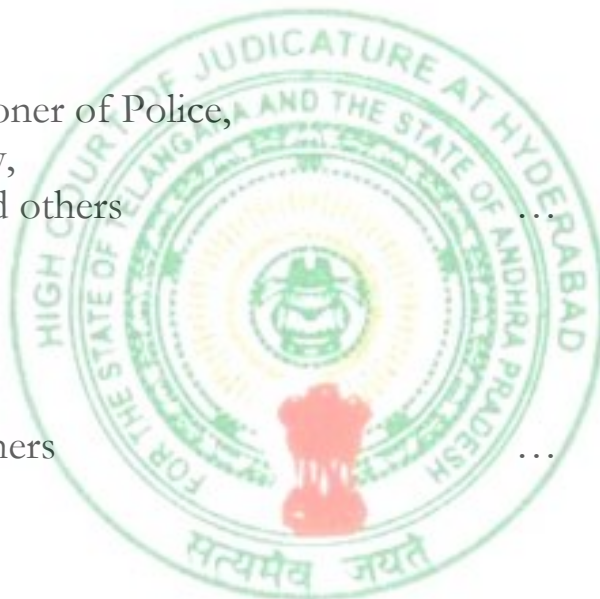
The Commissioner of Police,
Hyderabad City,
Hyderabad, and others

... Petitioners

AND

K.Vasu and others

... Respondents



Counsel for the petitioners : G.P. for Services (T.S.)

Counsel for the respondents : --

THE COURT MADE THE FOLLOWING

ORDER: (*per Hon'ble Sri Justice C.V.Nagarjuna Reddy*)

Feeling aggrieved by order dated 14-09-2016 in O.A.No. 7898 of 2013 on the file of the Andhra Pradesh Administrative Tribunal at Hyderabad (for short, 'the Tribunal'), the respondents in the said O.A. filed this Writ Petition.

2. The respondents, who are Police Constables, have been subjected to departmental proceedings, wherein they were alleged to have been involved in immoral conduct of aiding prostitution. On the same set of allegation, crime No. 455 of 2013 was registered against the respondents for the offence under Sections 3 to 5 of the Immoral Traffic (Prevention) Act, 1956. While the criminal case is pending, the petitioners are seeking to proceed with the departmental proceedings. The respondents filed the abovementioned O.A. for stay of the departmental proceedings on the plea that their interests will be prejudiced in criminal case if the departmental proceedings are held as they will be compelled to disclose their defence. Initially, the Tribunal granted stay of the departmental proceedings. By the impugned order, it allowed the O.A. directing the petitioners not to proceed with the departmental proceedings till conclusion of criminal trial.

3. Learned Government Pleader for Services (T.S.) has taken us through the article of charge and submitted that the charge is in two parts, namely; (1) unauthorized absence of the respondents from their legitimate duties on 25-06-2013 and (2) their gross misconduct and immoral behaviour by involving themselves in crime No. 455 of 2013 and that therefore the Tribunal committed an error in staying the departmental proceedings, the scope of which is different from that of the criminal case.

4. As rightly submitted by learned Government Pleader, the imputation against the respondents is twofold, namely; (1) absents from their legitimate duties on 25-06-2013 and (2) their involvement in crime No. 455 of 2013. As regards the allegation of involvement of the respondents in crime No. 455 of 2013, it cannot be denied that the scope of departmental proceedings and criminal case is identical. As held by the Courts, it is always desirable for the employer to stop departmental proceedings till trial in criminal case is concluded. Therefore, to this extent, the order of the Tribunal cannot be interfered with. As regards the former part of the charge, namely; their absenteeism from duty on 25-06-2013, the petitioners shall be free to proceed with the inquiry only to that extent.

5. Subject to the liberty given to the petitioners as above, the Writ Petition is disposed of.

6. As a sequel to dismissal of the Writ Petition, W.P.M.P.No. 44554 of 2017 shall stand dismissed as infructuous.

C.V.NAGARJUNA REDDY, J.

K.VIJAYA LAKSHMI, J.

Date: 27-10-2017.

JSK

