

HON' BLE SRI JUSTICE SURESH KUMAR KAIT
&
HON' BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P. No. 5218 of 2018

ORDER:- (ORAL)

(Per Hon' ble Sri Justice Suresh Kumar Kait)

This writ petition is filed for the following substantive relief:

“....issue a writ of mandamus declaring the proceedings of the 1st respondent bearing Ref: NREDCAP/ Pers/ Dis/ DAK/ 2018, dated 19.01.2018 insofar it places the petitioner under suspension pursuant to Charge Memo issued by the 2nd respondent in letter Ref: No. TSREDCO/ SAR-2014-15 & 2016-17/ PVR-KMNR/ 2017, dated 06.01.2018, as illegal, arbitrary, without jurisdiction and violative of principles of natural justice...”

It is the pleaded case of the petitioner that the 2nd respondent issued a Charge Memo dated 06.01.2018 to the petitioner alleging grave administrative and financial irregularities committed during the course of service as Project Director/ DM, FAC in Karimnagar District and further proposed to take action against him under Rule 22 of the A.P. Civil Services (Classification, Control and Appeal) Rules, 1991 (for brevity “the Rules”). The 1st respondent, vide proceedings dated 19.01.2018, got served the Charge Memo to the petitioner. The proceedings of the 1st respondent further disclose that the petitioner was required to be kept under suspension and subsistence allowance would be paid during the suspension period as per the procedure. The petitioner

submitted his explanation on 24.01.2018 pleading not guilty of the charges and requested to give access to the records and arrange to supply all relevant copies of documents and also requested to revoke suspension order.

The grounds raised in the writ petition are that the proceedings dated 19.01.2018 of the 1st respondent insofar as it relates to keeping the petitioner under suspension are illegal, arbitrary and without jurisdiction. The 1st respondent ought to have seen that the petitioner was allotted to the residuary State of Andhra Pradesh in pursuance of bifurcation of the erstwhile State of Andhra Pradesh and it has no jurisdiction to place the petitioner under suspension in respect of any alleged irregularities while working in the United Andhra Pradesh. The 1st respondent has failed to appreciate that the very disciplinary proceedings initiated by the 2nd respondent are without jurisdiction in view of the allotment of the petitioner to the 1st respondent pursuant to bifurcation. The 1st respondent ought to have seen that the Charge Memo got issued by the 2nd respondent was as per Rule 22 of the Rules, which only denotes procedure for imposition of minor penalties, and accordingly, the 1st respondent ought not to have issued proceedings dated 19.01.2018 keeping the petitioner under suspension.

It is not in dispute that the petitioner has made representation dated 24.01.2018 to the 1st respondent, however the same has not been considered so far. We note that even though the petitioner has made representation, however, not raised any legal grounds therein which are raised in the present writ petition.

Therefore, this Court, without going into merits of the case, deems it appropriate to dispose of the writ petition directing the 1st respondent to treat the present writ petition as representation of the petitioner and decide the same, in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

With the above direction, the writ petition is disposed of. No order as to costs.

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

SURESH KUMAR KAIT, J

08.03.2018

ABHINAND KUMAR SHAVILI, J

bcj