

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.9136 OF 2018

ORDER:

This Writ Petition is filed challenging the Charge Memo dated 27.11.2017 issued by the 2nd respondent against the petitioner just before his retirement on 30.11.2017.

Heard Sri C.Nageshwar Rao, learned Senior Counsel appearing on behalf of the Sri Sreenivas Padala, learned counsel for the petitioner and learned Assistant Government Pleader for Services.

Sri C.Nageshwar Rao, learned Senior Counsel submits that there is nothing against the petitioner in the impugned charge memo. He submits that only three days prior to his retirement, the impugned charge memo was issued for extraneous reasons and that by virtue of the same, petitioner's pensionary benefits are withheld by the respondents.

Learned Assistant Government Pleader for respondents submits that it is not a case of the petitioner that impugned charge memo issued without jurisdiction. He submits that normally this Court will not interfere at the stage of charge memo.

In the instant case, it is to be seen that whether the allegations in the impugned charge memo are true or false have to be gone into in the enquiry to be conducted in pursuance thereof. But as rightly contended by the learned Assistant Government Pleader for respondents, at the stage of charge memo, this Court cannot go into the allegations against the petitioner in the charge

memo. Ordinarily, this Court will not interfere with disciplinary proceedings at the stage of charge memo except in case of lacking of jurisdiction. In this case, it is not the case of the petitioner that initiation of disciplinary proceedings is without jurisdiction. Therefore, this Court is not inclined to interdict with the impugned Charge Memo dated 27.11.2017.

Since the petitioner has already retired from service, his service benefits are withheld, the respondents are directed to complete the enquiry within a period of three months from the date of receipt of a copy of this Order. Meanwhile, the respondents are directed to release the provisional pensionary benefits and other benefits, which are not dependent upon the disciplinary proceedings, pending enquiry within a period of four weeks from today.

With the above direction, this Writ Petition is disposed of. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any pending in this writ petition shall stand closed.

A.RAJASHEKER REDDY,J

20-03-2018
kvs

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Date: 20.03.2018

kvs



