THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE M.GANGA RAO

WRIT PETITION NO.9287 OF 2018

ORDER: (per SK,J)

The Tahsildar, Edlapadu Mandal, Guntur District, was the applicant in O.A.No.3364 of 2017 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad. He is aggrieved by the dismissal of the said O.A. by the Tribunal *vide* order dated 17.01.2018. His prayer in the said O.A. was to declare the action of the Revenue Divisional Officer, Narasaraopet, Guntur District, in issuing show cause notice dated 16.11.2017 to him alleging dereliction of duty was illegal. He sought a consequential direction to set it aside. By the order under challenge, the Tribunal agreed with the petitioner that the Revenue Divisional Officer was not the disciplinary authority in so far as the petitioner, a Tahsildar, was concerned. The Tribunal also opined that the Revenue Divisional Officer has no advisory jurisdiction in relation to the applicant's activity as a Tahsildar under the Andhra Pradesh Dotted Lands (Updation in Re-settlement Register) Act, 2017. However, the Tribunal was of the opinion that as the Revenue Divisional Officer had merely asked the petitioner to show cause as to why proposals should not be sent for initiating disciplinary action against him in relation to his alleged dereliction of duty, no reason was made out to interfere at that stage and accordingly dismissed the O.A.

Perusal of the show cause notice dated 16.11.2017 demonstrates that the Revenue Divisional Officer, Narasaraopet, called upon the petitioner to show cause within three days as to why disciplinary proceedings should not be proposed against him and in the event he failed to submit his explanation within the time stipulated, the Revenue

Divisional Officer stated that it would be presumed that he had nothing to offer in the matter and suitable action would be taken based on the records available.

Once it is admitted that the Revenue Divisional Officer, Narasaraopet, was not the disciplinary authority over the petitioner, a Tahsildar, the Revenue Divisional Officer could, at best, have informed the disciplinary authority concerned of all the details of the alleged dereliction of duty by the petitioner. He could not have independently resorted to issuance of a show cause notice for the purpose of proposing to the disciplinary authority that action should be initiated against the petitioner. In the event the disciplinary authority was apprised of the matter, action would be taken by him, if necessary.

Learned Government Pleader for Services, State of Andhra Pradesh, would fairly concede that there is no basis for this new procedure adopted by the Revenue Divisional Officer as an intermediary between the petitioner and his disciplinary authority.

We therefore find no sustainable basis to uphold the impugned show cause notice dated 16.11.2017. Having come to the same conclusion, the Tribunal surprisingly disallowed the petitioner's plea.

We accordingly set aside the order dated 17.01.2018 passed by the Andhra Pradesh Administrative Tribunal, Hyderabad, in O.A.No.3364 of 2017 and also the show cause notice dated 16.11.2017 issued by the Revenue Divisional Officer, Narasaraopet, Guntur District. This order shall however not preclude the Revenue Divisional Officer, Narasaraopet, from bringing the full facts to the notice of the disciplinary authority concerned for the purpose of deciding as to whether any disciplinary action should be initiated against the petitioner in accordance with the due procedure.

The writ petition is allowed to the extent indicated above.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

____
SANJAY KUMAR,J

____
M.GANGA RAO,J

Date:21.03.2018

GJ