

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

WRIT PETITION NO.10951 OF 2018

ORDER: (per SK,J)

The petitioner, the applicant in O.A.No.3447 of 2017 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad, is aggrieved by the order dated 26.12.2017 passed therein dismissing the O.A. His prayer in the said O.A. was to direct the respondent authorities to consider his case for promotion as a Junior Assistant without taking into consideration the charge memo issued against him under G.O.Rt.No.968 dated 16.07.2012. By the order under challenge, the Tribunal took note of the fact that the charges against the petitioner and others related to withdrawal of amounts, aggregating to Rs.1,49,000/- released under Indiramma Sambaralu Scheme, by collusion and mis-utilisation of the grant. Opining that this was a grave charge involving misappropriation/mis-utilisation of funds, the Tribunal denied the petitioner relief as regards his prayer for promotion. Further, the Tribunal took note of the fact that though G.O.Ms.No.679, General Administration (Services-C) Department, dated 01.11.2008, stipulated the time frames for completion of disciplinary enquiries, failure to comply with the same would not vitiate the enquiry. The Tribunal accordingly dismissed the subject O.A.

Heard Sri Rangarajula Rajasekhara Rao, learned counsel for the petitioner, and the learned Government Pleader for Services appearing for the respondents.

It is not in dispute that charges were framed against the petitioner as long back as in July, 2012. However, it appears that the Enquiry Officer has not even been appointed till today. The petitioner submitted his written statement of defence as long back as in November, 2012. Even if other co-

employees of the petitioner require to be subjected to the disciplinary enquiry along with him, it is not open to the authorities to keep such an enquiry pending indefinitely to the detriment of the employees concerned.

G.O.Ms.No.679 dated 01.11.2008 stipulates that enquiries in simple cases should be completed within three months and in complicated cases, within six months. In the present case, shockingly, the enquiry is yet to begin. The authorities therefore need to be mindful of their own policies and take steps accordingly. Further, as G.O.Ms.No.257 dated 10.06.1999 governs the procedure to be followed by the authorities while considering the candidature for further promotion of employees who are facing departmental proceedings, it is for the authorities concerned to take note of the guidelines in the said G.O. while dealing with the case of the petitioner.

The writ petition is accordingly allowed to the extent of setting aside the order dated 26.12.2017 passed by the Andhra Pradesh Administrative Tribunal, Hyderabad, in O.A.No.3447 of 2017, and directing the authorities to complete the enquiry pursuant to the charges framed under G.O.Rt.No.968 dated 16.07.2012 within six months from the date of receipt of a copy of this order. In the meanwhile, the candidature of the petitioner for further promotion shall be considered, if he is within the zone of consideration, in terms of G.O.Ms.No.257 dated 10.06.1999.

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

SANJAY KUMAR,J

Date:03.04.2018

M.GANGA RAO,J

GJ