

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITON No.14769 of 2018

ORDER:

The petitioner challenged the proceedings No.91-A1/2017, dated 16-02-2018, wherein and whereby the petitioner was issued show-cause notice to show-cause within three days as to why his two annual grade increments should not be withhold permanently and also challenged the transfer order dated 26-10-2017 issued by the 4th respondent.

Learned counsel for the petitioner submits that without issuing any charge memo issued the impugned show-cause notice and the enquiry referred to in the said show-cause notice is not a regular enquiry and without conducting regular enquiry, major punishment of withholding increments cannot be imposed. He also submits that the transfer order dated 26-10-2017 is also without jurisdiction.

On the other hand, learned Assistant Government Pleader for Services produced written instructions stating that the petitioner was issued show-cause notice and he attended before the Enquiry Officer on 07-02-2018 and accepted his guilt. Basing on the enquiry report dated 12-02-2018, the 5th respondent-Secretary, Zilla Grandalaya Samsta, issued show-cause notice dated 16-02-2018 to the petitioner. On that the petitioner submitted his explanation to the same on 22-02-2018. He also submits that the petitioner joined at Branch library of Jogipet and now he cannot question the transfer order as referred to above.

In this case, it is to be seen that the petitioner questioned the show-cause notice issued by the respondents. In the written instructions, it is stated that the petitioner admitted guilt and the petitioner can file objections to the show-cause notice impugned and the respondent-authorities are obligated to consider the same. In the impugned proceedings, the respondent-authorities have issued show-cause notice and the petitioner submitted his reply on 22-02-2018. Ordinarily, this Court will not interfere at the stage of show cause notice unless the same is without jurisdiction.

In view of the same, the competent authority is directed to consider the objections filed by the petitioner to the impugned show-cause notice dated 16-02-2018 and pass appropriate orders in accordance with Rules. In this case, the petitioner also challenged the transfer order. Normally this Court will not interfere with the transfer order unless, the same is issued without jurisdiction or arbitrary and in the present case it is not the case of the petitioner that transfer order is without jurisdiction and in the facts and circumstances it appears transfer order is not arbitrary. More so, the petitioner has already joined in the said place.

In view of the facts and circumstances of the case, this Court is not inclined to interdict the transfer order dated 26-10-2017.

With the above observations, the writ petition is disposed of. As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY,J

01-05-2018
Nvl



