

THE HON'BLE SRI JUSTICE SURESH KUMAR KAIT
AND
THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 16195 of 2018

ORAL ORDER: *(Per the Hon'ble Sri Justice Suresh Kumar Kait)*

Vide the present petition, petitioner has challenged order dated 04.10.2017 passed by the A.P. Administrative Tribunal, Hyderabad, in O.A.No.7277 of 2014 whereby the learned Tribunal disposed of the said original application, while confirming the finding of guilt by the enquiry officer against the petitioner and clarifying that penalty awarded in the matter to the petitioner shall be reduction in time scale of pay by two stages without cumulative effect on his future increments and pension.

2. The petitioner is working as Head Constable in 2nd Battalion of Andhra Pradesh Special Police, Kurnool. Vide order in Rc.No.A6/PR-11/2013 D.O.No.390/2013 dated 26.07.2013 of the Commandant, 2nd Battalion, Andhra Pradesh Special Police, Kurnool, the petitioner was imposed punishment of reduction in time scale of pay by two stages for a period of one year with cumulative effect on his future increments and pension with immediate effect, after conducting enquiry under rule 20 of the Andhra Pradesh Civil Services (Classification, control and Appeal) Rules, 1991 and after following the due procedure prescribed by the said Rules. Questioning the said punishment, the petitioner filed appeal to the Deputy Inspector General of Police, Andhra Pradesh Special Police battalions, Kurnool, who vide order in

Rc.No.11/Appeal/2014 R.O.O.No.105/2014 dated 15.09.2014 rejected the appeal. Challenging the same, the petitioner filed the O.A. before the Tribunal.

3. Learned counsel appearing on behalf of the petitioner submits that though there was no iota of evidence before the enquiry officer and the enquiry officer has nowhere discussed any of the witnesses who deposed against the petitioner, the disciplinary authority imposed the punishment upon the petitioner. Therefore, the proceedings of the respondents deserve to be quashed.

4. Learned Government Pleader appearing on behalf of the respondents submits that a woman, by name, A. Madhavi Latha, made a complaint against the petitioner by stating that the petitioner fell in love with her and developed rapports and got married her at Saibaba Temple and enjoyed the marital life with her, due to which, Crime No.44 of 2013 for the offences punishable under Sections 420 and 417 IPC was registered by II Town Police Station, Kurnool. As the entire episode was published in the local newspapers, the image of 2nd Battalion, A.P.S.P., was spoiled in the eyes of public. Therefore, the disciplinary authority has rightly imposed the punishment upon the petitioner.

5. We have perused the enquiry report whereby it is stated that the petitioner was deputed to PTC, Anantapur, on attachment basis. While he was working there, a criminal case has been registered against him for cheating a woman, by name, A. Madhavi Latha. It is not in dispute that during the course of enquiry, the complainant has not come forward for giving a statement and she simply stated that all this has happened by mistake, and due to some family

problems, she has given a false complaint to the police against the petitioner. It is also not in dispute that subsequently the complainant compromised with the petitioner before the Lok Adalat, Kurnool, and consequently the petitioner was acquitted in the criminal case.

6. The enquiry report further reveals that the petitioner was arrested, due to which, the episode was published in the local newspapers and the image of the 2nd Battalion was spoiled.

7. Except the registration of the case against the petitioner, who was later acquitted by the Lok Adalat by way of compromise, there is no iota of evidence against the petitioner in the departmental proceedings. Moreover, the complainant has not made any statement before the enquiry officer to establish that the petitioner cheated her, got married her and thereafter enjoyed the marital life with her. Therefore, we are of the considered opinion that there was no material before the respondents to punish the petitioner.

8. Keeping in view the fact that there was no evidence against the petitioner in the departmental enquiry, we hereby set aside the order dated 04.10.2017 passed by the A.P. Administrative Tribunal in O.A.No.7277 of 2014 and, consequently, quash the order in Rc.No.A6/PR-11/2013 D.O.No.390/2013 dated 26.07.2013 of the Commandant, 2nd Battalion, Andhra Pradesh Special Police, Kurnool, and the order passed by the 3rd respondent in Rc.No.11/Appeal/2014 R.O.O.No.105/2014 dated 15.09.2014.

9. The Writ Petition is accordingly allowed. No order as to costs.

Consequently, miscellaneous applications if any pending in the writ petition shall stand closed.

SURESH KUMAR KAIT, J

ABHINAND KUMAR SHAVILI, J

26th June, 2018
cbs



THE HON'BLE SRI JUSTICE SURESH KUMAR KAIT
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W.P.No.16195 of 2018
(allowed)

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