

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.16923 OF 2018

O R D E R :

This writ petition is filed challenging the proceedings vide Rc.No.1124/VC-D/2016, dated 25.10.2016, whereby charges were framed against the petitioner and also petitioner was asked to submit explanation within 15 days; and proceedings vide Rc.No.11241/VC-A/2016, dated 23.03.2017, whereby enquiry officer was appointed to conduct a regular departmental enquiry against the petitioner; and also proceedings vide Rc.No.11241/VC-D/2016, dated 31.03.2018, issued by the 1st respondent asking the petitioner to show cause as to why she should not be dismissed from service.

Learned counsel for the petitioner submits that petitioner was issued charge memo dated 25.10.2016 to which petitioner filed explanation on 24.11.2016, but, without considering the said explanation and without giving opportunity of personal hearing to the petitioner, Enquiry Officer was appointed vide proceedings dated 23.03.2017 and thereafter petitioner submitted explanation on 31.01.2018. But, without considering the said explanation impugned show-cause notice was issued, which is in violation of principles of natural justice and not in accordance with rules.

On the other hand learned Government Pleader for Services submits that the impugned proceedings dated 31.03.2018 is only show cause notice and petitioner can file explanation. He also submits that having participated in the enquiry, the petitioner cannot say, now, that appointment of enquiry officer is bad.

In this case it is to be seen that after issuance of charge memo petitioner filed explanation and thereafter enquiry officer was appointed. Admittedly petitioner participated in the enquiry. Having participated in the enquiry he cannot question the appointment of enquiry officer and he cannot say that his explanation to the charge memo was not considered, at this stage. Further, the impugned proceedings is only a show cause notice and petitioner can raise all his objections in reply to the show cause notice. Ordinarily this Court will not interfere with the issuance of show cause notice unless it is issued without jurisdiction. Further, no infirmity is brought to the notice of this Court in the show cause notice. More so, when petitioner was asked to submit explanation to the enquiry report that itself is sufficient compliance. But, it is not known why present show cause notice was issued.

Any how, since no order is passed adverse to the petitioner, as on today, and the impugned proceedings dated 31.03.2018 is only show cause notice, petitioner can raise all

his objections to the show cause notice by filing explanation. On such objections being made by the petitioner, the competent authority may consider the same and pass orders.

Accordingly, the writ petition is dismissed. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

02.05.2018
t k.

A.RAJASHEKER REDDY, J

