

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

WRIT PETITION No.19792 of 2018

ORDER: (ORAL)

(Per Suresh Kumar Kait, J)

Vide the present petition, petitioner has challenged order 11.04.2018 passed in O.A.No.651 of 2018 by the A.P. Administrative Tribunal, Hyderabad, whereby the learned Tribunal dismissed the application filed by the petitioner under Section 19 of the Administrative Tribunals Act, 1985 ('the Act').

2. The petitioner is working as Senior Assistant in Mandal Parishad Development Office, Bantumilli Mandal of Krishna District. He was previously working as Senior Assistant in Mandal Parishad Office, Pamarru along with one M. Shobha Rani, who was working as Mandal Parishad Development Officer, Pamarru and that on her authorization, the petitioner had withdrawn Rs.10,48,190/- by way of self cheque and misappropriate the same.

3. While dismissing the application filed by the petitioner, the learned Tribunal has observed that there is remedy available to the petitioner by way of filing appeal, which remedy is quite effective and efficacious and that it cannot ordinarily entertain the O.A. in view of Section 20 of the Act.

4. The grievance of the petitioner is that no regular departmental enquiry was initiated against him, however, on his filing defence statement, recovery has been initiated, to be effected against him.

5. We do not find any illegality in the order passed by the Tribunal for the reason that the petitioner has not availed the remedy of statutory appeal available to him. Moreover, under Rule 20 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991, procedure for imposing major penalty is that, if the penalty is specified in clauses (vi) to (x) of Rule 9, departmental enquiry is compulsory and admittedly the punishment in question does not come under the above mentioned clauses.

6. Writ petition is accordingly dismissed. No order as to costs.

As a sequel, miscellaneous petitions if any pending stand closed.



SURESH KUMAR KAIT, J

ABHINAND KUMAR SHAVILI, J

June 14, 2018
MRR