

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.20530 OF 2018

Dated:20.06.2018

Between:

T. Nirmala, W/o. Pratap Reddy,
Aged 55 years, Occ: Assistant Tribal
Welfare Officer, working as District
Tribal Welfare Officer, O/o. Tribal Welfare
Office, Hanamkonda, Warangal District .. Petitioner

And

The State of Telangana, rep., by its
Chief Secretary to Government, Tribal
Welfare Department, Telangana Secretariat,
Hyderabad and another .. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P. NAVEEN RAO**WRIT PETITION No.20530 OF 2018****ORDER:**

Heard Sri S. Satyam Reddy, learned senior counsel appearing for the petitioner, and learned Government Pleader for Services – I appearing for the respondents.

2. Petitioner is working as Assistant Tribal Welfare Officer. In this Writ Petition, she challenges the Charge Memo dated 02.04.2018. In the Charge Memo, two charges were levelled against the petitioner. The sum and substance of the allegation in the first charge is that petitioner failed to ensure integrity and devotion to duty of Government servant working under her control. The sum and substance of the allegation in the second charge is that the petitioner exhibited lack of integrity, devotion to duty and conduct of unbecoming a member of service.

3. It is not the case of the petitioner that the Commissioner of Tribal Welfare is not competent to initiate disciplinary proceedings. It appears, the charges are based on material available on record. Thus, the Court cannot go into the tenability of the charges levelled at the initial stage and even before an explanation is filed by the petitioner.

4. Learned senior counsel appearing for the petitioner sought to contend that petitioner has approximately two years of service left; she is due for promotion and at this stage, only to stall the promotion, disciplinary proceedings are initiated against her.

5. The claim for promotion is entirely different from initiating disciplinary proceedings. Merely because the employee is due for

promotion, it cannot be said that the disciplinary proceedings cannot be initiated against the employee. A bare perusal of the Charge Memo itself would show that the charges are based on the material available on record.

6. At this stage, learned senior counsel requests that time limit may be prescribed for completion of the disciplinary proceedings.

7. As the petitioner has not yet submitted her explanation and as stated by learned senior counsel, petitioner has applied for certain documents, at this stage, time limit cannot be fixed for completion of the disciplinary proceedings.

8. The Writ Petition is accordingly dismissed leaving it open to the petitioner to submit her explanation and on submission of such explanation, the disciplinary authority is entitled to proceed further in the matter. The Commissioner may take steps to conclude the disciplinary proceedings as expeditiously as possible, preferably within a period of six months, after the submission of explanation, provided the petitioner cooperates in conducting the disciplinary proceedings. There shall be no order as to costs. Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

P. NAVEEN RAO, J

Date:20.06.2018

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