

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.22341 OF 2018

Dated:02.07.2018

Between:

A.K. Dhanapal, S/o. A.P. Kodandapani,
Aged about 45 years, working as
Superintendent, Sri Kalahasteeswara
Swamyvari Devasthanam, Srikalahasti,
Chittoor District, Andhra Pradesh

.. Petitioner

And

The State of Andhra Pradesh, rep., by its
Principal Secretary, Revenue (Endowments)
Department, Secretariat, Velagapudi,
Guntur District and others

.. Respondents



The Court made the following:

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ORDER:

Heard.

2. Petitioner was appointed as NMR in the 3rd respondent – Temple in the year 2000. Subsequently, he was promoted as Senior Assistant and thereafter Superintendent. The Executive Officer of the 3rd respondent – Temple issued proceedings dated 04.01.2018 alleging some lapses on the part of the petitioner and to submit his explanation. Petitioner submitted explanations dated 21.01.2018 and 26.01.2018. Thereafter, the 4th respondent issued notice dated 09.04.2018 to attend enquiry. But, as the petitioner was seriously ill, he could not attend enquiry on the said date, but attended on 19.05.2018. Thereafter, petitioner submitted representation dated 08.06.2018 to the 4th respondent to provide him an opportunity of examining the witnesses and not to conclude the enquiry and not to send final report. The 4th respondent, without considering the representation of the petitioner, sent her enquiry report. Basing on the said enquiry report, the 3rd respondent issued the proceedings/impugned order dated 13.06.2018 imposing major punishment of reverting the petitioner from the cadre of Superintendent to that of Senior Assistant. Hence, the Writ Petition.

3. *Prima facie*, a perusal of the order impugned would show that at least without supplying the copy of the report of the enquiry officer, straight away punishment was imposed on the petitioner and the same is not valid.

4. Having regard to the *prima facie* view expressed above, learned Standing Counsel for the 3rd respondent – Temple fairly submits that the order impugned be set aside and the matter be remitted to the disciplinary authority/competent authority for considering the same afresh from the stage of submission of the report of the enquiry officer.

5. At this stage, learned senior counsel for the petitioner sought to contend that the petitioner has attributed motive to the then Executive Officer.

6. If what is contended by learned senior counsel for the petitioner is true, it is open to the petitioner to raise all objections as available in law when further proceedings are taken up consequent to initiation of disciplinary proceedings.

7. The Writ Petition is accordingly allowed. The order impugned is set aside and the matter is remitted to the disciplinary authority to examine the further course of action. In the event, any further steps are taken calling upon the petitioner to submit his explanation, it is open to him to raise all objections as available in law. It is needless to observe that if such objections are raised, the competent authority shall examine the same and pass final orders by assigning due reasons in support of its decision. 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:02.07.2018

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