

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.26740 OF 2018

DATED :28.08.2018

Between :

K. Satyanarayana Reddy S/o.Late Ram Reddy, Hindu,
Aged about 57 yrs, Occu : Post Graduate Teacher
At TSWRS/Jr College (Boys),
Sirpur, R/o.Sirpur Town, Komurambheem
(Asifabad) District.

.. Petitioner

And

The State of Telangana,
Rep., by its Principal Secretary,
Social Welfare Department, Secretariat,
Secretariat Buildings, Hyderabad & others.

.. Respondents



This court made the following :

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ORDER :

Heard learned counsel for the petitioner and learned Government pleader for Social welfare for respondent No.1 and Sri N.Bhupal Reddy, learned Standing Counsel for Respondents 2 to 4.

2. This writ petition is filed challenging the showcause notice dated 19.07.2018 proposing to impose punishment of dismissal from service.

3. This Court having noticed several infirmities in conducting the disciplinary proceedings, passed the following order on 01.08.2018 :

“A prima-facie, reading of the material on record would show that proper enquiry was not conducted; no witnesses were examined; and enquiry officer prepared report in a tabulated form recording the Articles of Charges in column No.1, written statement of defence in column No.2 and the findings in column No.3. There is no discussion in detail about the defence of the petitioner. After the report of the enquiry officer, petitioner submitted detailed explanation. But there is no discussion on merits on the explanation submitted by the petitioner before issuing the show cause notice calling upon the petitioner to submit his explanation on the proposed punishment.

Having regard to these infirmities, balance of convenience is in favour of the petitioner. Hence, there shall be interim stay of all further proceedings dated 19.07.2018, operative for a period of three (3) weeks.

Post on 16.08.2018. Learned Standing counsel is directed to produce the record concerning the impugned show cause notice on the next date of hearing.”

4. When the matter is taken up for consideration learned Standing counsel fairly submits that there are infirmities in conducting the disciplinary proceedings and prays for remitting the matter to the stage of consideration of explanation submitted by the petitioner. Learned counsel for the petitioner also agrees for the said proposal.

5. In view of the same, the impugned showcause notice is set aside and the Writ Petition is allowed. However, liberty is granted to the respondents to proceed from the stage of consideration of explanation submitted to the charge memo. Pending miscellaneous petitions, if any, shall stand closed.

28th August, 2018
Rds

P.NAVEEN RAO,J

