

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.27939 OF 2018

Dated:29.08.2018

Between:

Smt. S. Sasikala Devi, W/o. D.C. Xavier,
Aged about 55 years, Associate Lecturer,
Hotel Management and Catering Technology,
Sri Padmavathi Women's Polytechnic,
Tirumala Tirupati Devasthanams,
Tirupati, Chittoor District

.. Petitioner

And

The State of Andhra Pradesh, rep., by its
Principal Secretary, Department of Higher
Education, Velagapudi, Thulluru Mandal,
Amaravathi, Guntur District and others

.. Respondents



The Court made the following:

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ORDER:

Heard.

2. This Writ Petition is filed praying to grant the following relief:

“... to issue a Writ order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the inaction of the respondents 2 to 4 in not furnishing the enclosures to the Vigilance report No.S2/695/CV & SO/2016 along with the Charge-Memorandum Roc No.DA1A/523/2018, dated 18.05.2018 to the petitioner thereby not submitting the explanation to the respondents in a complete manner on the circumstances against the interest of the petitioner in the said enclosures of the Vigilance Report No.S2/695/CV & SO/2016 is illegal, arbitrary, malafide, violation of Principles of Natural Justice and consequently direct the respondents to furnish the enclosures to the above Vigilance report by further allowing the petitioner to submit additional statement of defence on the matters in the enclosures and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

3. On 18.05.2018, Articles of Charge was drawn against the petitioner. As seen from Annexure – I appended to the Articles of Charge, based on the report of the Chief Vigilance and Security Officer, Titumala Tirupati Devasthanam (TTD), petitioner claims to have submitted her explanation on 01.06.2018. Not satisfied with the explanation, domestic enquiry was ordered by appointing an enquiry officer. The enquiry officer issued notice of enquiry on 27.07.2018.

4. On 21.07.2018, petitioner submitted a representation to the Executive Officer and Disciplinary Authority requesting to furnish

the annexures forming part of report of the Vigilance Officer, which is the basis of charge, for effective defence. Alleging that the said documents are yet to be supplied to petitioner and she is forced to appear before the enquiry officer, this Writ Petition is filed.

5. According to learned counsel for the petitioner, the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 (for short 'the Rule') are applicable to the employees of TTD. As per Rule 20 of the Rules, all the documents which are relied upon by the disciplinary authority have to be supplied to the delinquent employee along with the charge sheet, whereas in the instant case, only list of documents was supplied and without furnishing the enclosures forming part of the Vigilance report, petitioner cannot defend the allegations levelled against her.

6. In support of his contention, learned counsel for the petitioner placed reliance on Rule 20 of the Rules, particularly sub-rules (3), (4) and (5) of the Rules to emphasize that the entire documents, which are the basis for levelling allegations, have to be communicated to the petitioner even before explanation is called for. The only issue for consideration is with reference to supply of all enclosures which formed part of the report of the Vigilance Officer, which is the basis for initiation of disciplinary action against the petitioner.

7. A bare perusal of the various Clauses of Rule 20 of the Rules makes it clear that while drawing the charge and communicating the same, what is required to be supplied to delinquent employee is list of documents and list of witnesses on which reliance is placed by the disciplinary authority. It is not necessary that all the

documents relied upon should be supplied to the delinquent employee, while communicating the charge sheet. If the explanation offered by the delinquent employee is not satisfactory and a domestic enquiry is ordered, during the course of enquiry on behalf of the disciplinary authority, the documents relied upon to sustain the charge have to be presented by supplying the copies to delinquent employee and are to be marked. Without seeking leave of the enquiry authority, no additional document can be presented. It is also permissible for the delinquent employee to request for production of any document or report, subject to the satisfaction of the enquiry authority. Thus, a reading of various provisions of Rule 20 of the Rules makes it clear that it is not necessary to supply all the documents or enclosures relied by disciplinary authority even before enquiry proceedings are commenced, but the same have to be supplied during the course of enquiry.

8. Having regard to the statutory scheme, as noted above, I do not see any error in the disciplinary proceedings warranting interference by this Court, at this stage. It is needless to observe that during the course of enquiry, petitioner can insist for production of documents forming part of the record and sought to be relied by disciplinary authority and request the enquiry officer to call for those documents, if the same are not presented on behalf of the disciplinary authority and based on the documents supplied during the course of enquiry, it is always open to the petitioner to put-forth her defence and rebut the contentions of the disciplinary authority.

9. Thus, leaving it open to the petitioner to avail appropriate remedy as provided under Rule 20 of the Rules during the course of enquiry, the Writ Petition is dismissed. Pending Miscellaneous Petitions, if any, shall stand closed.

P. NAVEEN RAO, J

Date:29.08.2018

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