

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 29029 of 2018

Date : 4.9.2018

Between:

P Gopi P Venkatamuni aged about 43 years
Occ Chief Accountant China Bazar Branch
Tirupathi Co operative Ltd Tirupathi R/o door No 19113
Chintala Chenu Tirupathi Chittoor District

Petitioner

And

The State of Andhra Pradesh
rep by its Principal Secretary Co operation Department
Secretariat Buildings Velagapadu Guntur District

Respondents

The Court made the following:



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ORAL ORDER:

Heard learned counsel for petitioner, learned Government Pleader and learned Standing Counsel for third respondent and with their consent the writ petition is taken up for hearing at the admission stage.

2. Petitioner was working as Chief Accountant. By the order impugned, he was reverted to the post of Accountant. It appears the employees complained against the petitioner alleging that petitioner made some adverse remarks in the whatsapp mobile application group communication tarnishing the image of the Chairman, Managing Director and Directors of the bank and tarnishing the image of the bank. Show cause notice was issued on 6.2.2018. Petitioner submitted his explanation on 14.2.2018. On 28.6.2018, petitioner was asked to explain by attending to the enquiry scheduled on 1.7.2018. This notice is not clear on what issue enquiry was sought to be conducted, but there is a reference to the issue reflected in the earlier show cause notice. Alleging that petitioner did not attend to the enquiry, an ex-parte enquiry was conducted and enquiry committee appointed for the purpose submitted its report on the same day and on the next day i.e., on 2.7.2018, the Committee passed resolution imposing the punishment of reversion, impugned in this writ petition.

3. Brief note of the above events would show that without following the due procedure as required by law, major punishment of reversion is imposed against the petitioner; there was no charge memo and essential elements to conduct disciplinary proceedings were not observed. Initial allegation was making adverse remarks against senior officials of the bank, but impugned order also refers to alleged

unauthorized absence without sanction of leave. Thus, the impugned order is not sustainable on the touch stone of principles of natural justice and failure to observe fair procedure, more so, when major punishment of reversion is imposed. Thus, the impugned order is set aside. Accordingly, the writ petition is allowed. No costs. However, this order does not come in the way of respondent bank to proceed against petitioner in accordance with law, if so advised. Miscellaneous petitions, if any pending, are closed.

DATE: 4-09-2018
TVK

P NAVEEN RAO,J



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