

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE M.GANGA RAO

WRIT PETITION NO.30047 OF 2018

ORDER: (per SK,J)

The prayer of the petitioner in this case reads as under:

'For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon'ble Court may be pleased to issue any writ, order or direction more particularly in the nature of MANDAMUS declaring the continuation of disciplinary proceedings initiated against the Petitioner vide memorandum C.No.384/02/2014 dated 03.03.2015 is arbitrary, illegal and not only violative of Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 and Orders of the Hon'ble Andhra Pradesh Administrative Tribunal in O.A.No.1685 of 2015 but also Articles 14 and 16 of the Constitution of India, as such stand abated and consequently direct the Respondents to treat the Charge Memorandum dated 03/03/2015 issued to the Petitioner as non est for all purposes and pass such other order or orders may deem fit and proper in the circumstances of the case.'

It is an admitted fact that the petitioner challenged the validity of the Charge Memorandum dated 03.03.2015 in O.A.No.1685 of 2015 before the Andhra Pradesh Administrative Tribunal, Hyderabad. However, the Tribunal held *vide* order dated 01.10.2015 that the impugned Charge Memorandum was not liable to be set aside either on the ground of arbitrariness or *mala fides*. While so, it appears that the petitioner has been tentatively allocated to the State of Telangana though the incident in relation to which the Charge Memorandum dated 03.03.2015 was issued occurred in the present State of Andhra Pradesh.

Learned Government Pleader for Services, State of Andhra Pradesh, would inform this Court that as the allocation of the petitioner was on

tentative basis, the decision as to whether the disciplinary proceedings against him should be continued or not would be taken only after the final allocation is effected. -

In that view of the matter, we are of the opinion that it would be wholly premature on our part to accede to the plea of the petitioner that the disciplinary proceedings initiated under the Charge Memorandum dated 03.03.2015 should be treated as abated.

The writ petition is accordingly closed leaving it open to the authorities to take a decision at the appropriate time as indicated supra.

Pending miscellaneous petitions, if any, shall also stand closed. No order as to costs.

Date:11.09.2018

GJ



SANJAY KUMAR,J

M.GANGA RAO,J