

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

WRIT PETITION NO.30613 OF 2018

ORDER: (per SK,J)

The petitioner is the unsuccessful applicant in O.A.No.2493 of 2017 on the file of the Andhra Pradesh Administrative Tribunal, Hyderabad, which was dismissed *vide* order dated 16.07.2018. Her prayer therein was to declare the Charge Memo issued to her *vide* G.O.Rt.No.743 dated 01.08.2015 as illegal. She sought a further declaration that the action of the authorities in not considering her for promotion because of the pendency of the said Charge Memo was also illegal and a consequential direction to quash the impugned Charge Memo. By the order dated 16.07.2018 presently under challenge, the Tribunal observed that there was no delay at all in the issuance of the Charge Memo and that it was not liable to be set aside on that ground. The Tribunal further observed that in the event the petitioner-applicant was aggrieved with any promotions made overlooking her candidature, it would be open to her to challenge the same by way of an appeal. Observing so, the Tribunal dismissed the O.A.

Sri M.Surender Rao, learned senior counsel representing Sri Srinivasa Rao Madiraju, learned counsel for the petitioner, would inform this Court that the enquiry instituted on the strength of the Charge Memo in G.O.Rt.No.743 dated 01.08.2015 culminated in the enquiry report dated 07.03.2018 whereby the enquiry officer held that Article I of the charges was not proved while Articles II and III thereof were partly proved. Learned senior counsel would point out that despite the enquiry report having been placed on record as long back as in March, 2018, no

orders have been passed by the disciplinary authority and in the meanwhile, the petitioner-applicant is made to work under her junior. He would further state that as many as 36 juniors of the petitioner-applicant have already been promoted.

As we are now informed that the enquiry has already been concluded, it is not open to the disciplinary authority to keep the matter pending indefinitely. It may be noted that this delay on the part of the disciplinary authority in imposing punishment, if warranted, would further delay consideration of the petitioner-applicant's case for promotion.

The writ petition is accordingly closed directing the respondents to pass appropriate orders upon the articles of charges framed against the petitioner-applicant *vide* G.O.Rt.No.743 dated 01.08.2015 taking into account the findings of the enquiry officer in his report dated 07.03.2018. This exercise shall be completed expeditiously and, in any event, not later than six weeks from the date of receipt of a copy of this order.

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

SANJAY KUMAR,J

M.GANGA RAO,J

Date:28.11.2018

GJ