

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH**

THE HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN

and

THE HON'BLE SRI JUSTICE M. GANGA RAO

Writ Petition No.34212 of 2017 and Writ Appeal No.1733 of 2017

W.P.No.34212 of 2017

Between:

B. Baburao, S/o Adinarayana, aged about 52 years,
Occ: Record Assistant, Office of Assistant Commissioner,
Eluru, West Godavari District

... Petitioner

Vs.

The State of Andhra Pradesh, represented by its
Principal Secretary, Department of Endowments,
Andhra Pradesh, Amaravathi, Velagapudi,
Guntur District and 3 others

.. Respondents

W.A.No.1733 of 2017

Between:

The Assistant Commissioner and Executive Officer,
Sri Mavulamma Ammavari Devasthanam, II Town,
West Godavari District

... Appellant

Vs.

B. Baburao, S/o Adinarayana, aged about 52 years,
Occ: Record Assistant, Office of Assistant Commissioner,
Eluru, West Godavari District and 3 others

.. Respondents

For Appellant : Mr. G. Satyanarayana Yadav

For Respondents : Mrs. K. Lalitha, standing counsel

HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

HON'BLE SRI JUSTICE M. GANGA RAO

Writ Petition No.34212 of 2017 and Writ Appeal No.1733 of 2017

COMMON ORDER: (V. Ramasubramanian, J)

Challenging a punishment of stoppage of three increments with cumulative effect and also an order of deputation from the office of the 3rd respondent-temple to the office of the 4th respondent, the petitioner filed the above writ petition.

2. While ordering notice in the said writ petition, a learned Judge granted interim suspension of the order of penalty and the order of deputation. The learned Judge also granted an interim direction to the respondents to continue the writ petitioner as Record Assistant in the 3rd respondent-temple.

3. Aggrieved by the interim order so granted, the 3rd respondent-temple has come up with the above writ appeal.

4. In view of the limited scope of the dispute in the writ petition itself, we directed the writ petition also to be tagged along with the writ appeal so that they could be disposed of together conveniently.

5. Heard Mr. G. Satyanarayana Yadav, learned counsel for the petitioner and the respondent in the writ appeal and Mrs. K. Lalitha, learned standing counsel for Endowments appearing for the appellant in the writ appeal.

6. The writ petitioner was placed under suspension by the Executive Officer of the 3rd respondent-Devasthanam. Challenging the order of suspension, the writ petitioner filed an appeal before the Commissioner. Instead of dealing with the correctness of the order

of suspension, the Commissioner dealt with the disciplinary proceedings and straight away imposed the penalty of stoppage of increments for three years and also sent the petitioner on deputation for one year to the 4th respondent office.

7. In other words, the Commissioner committed two mistakes namely (a) that of taking up the disciplinary proceedings and disposing them of, when they were not before him and (b) imposing a penalty on an appeal filed by the delinquent employee as against the order of suspension.

8. Both the above grounds are sufficient to set aside the order of the Commissioner. Accordingly, the writ petition is allowed, the order dated 22-08-2017 is set aside. It will be open to the Executive Officer of the Devasthanam to proceed with the disciplinary enquiry and pass final orders after giving opportunities to the writ petitioner. The Commissioner, Endowments, shall now deal with the appeal relating to the suspension alone and pass orders within a period of two (2) weeks from the date of receipt of a copy of this order, confining the decision on the appeal only to the correctness of the order of suspension.

9. In view of the disposal of the writ petition, nothing survives for adjudication in the writ appeal. Hence, the writ appeal is dismissed. As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

V. RAMASUBRAMANIAN, J

M. GANGA RAO, J

Date: 04-01-2018
Ksn