

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.2384 OF 2019

ORDER:

This writ petition is filed seeking a writ of Mandamus declaring the action of the respondents in not appointing an Enquiry Officer to inquire into the charges framed against the petitioner vide proceedings dated 27.08.2017 and proceedings dated 09.05.2018 of the 2nd respondent Devasthanam and not conducting inquiry, despite the petitioner submitting his written statements of defence on 10.09.2017 and 25.05.2018, as arbitrary, illegal and opposed to law.

Heard Sri M.Vidyasagar, learned counsel for the petitioner, learned Government Pleader for Endowments appearing for respondent Nos.1 and 3 and Sri Kotha Jagan Mohan Reddy, learned Standing Counsel appearing for respondent No.2.

It has been contended by the petitioner that he has been working as an Assistant Executive Officer in the 2nd respondent Devasthanam and, while so, the respondents have initiated disciplinary proceedings against him and issued charge memo on 27.08.2017 and 09.05.2018. The grievance of the petitioner is that he has submitted detailed explanations on 10.09.2017 and 25.05.2018, but the respondents are neither considering his explanation by exonerating the charges leveled against him nor finalizing the disciplinary proceedings.

Learned counsel for the petitioner submits that as per the Rules, for allegations which involve serious lapses, the respondents are supposed to conclude the inquiry within a period of six months, and where simple allegations are leveled, the respondents must conclude the disciplinary proceedings within a period of three months and, therefore, contends that the action of the respondents in not concluding the inquiry in respect of which charge memos were issued almost one and half years back, and denying

promotion to the petitioner as illegal, arbitrary and violative of Articles 14 and 16 of the Constitution of India.

Learned counsel for the petitioner further contends that appropriate orders be passed in the writ petition directing the respondents to conclude the inquiry as stipulated in the Rules or in the alternative, direct the respondents to consider the case of the petitioner for promotion to the next higher post.

Learned Government Pleader for Endowments appearing for the 1st respondent assures this Court that the inquiry initiated against the petitioner would be concluded within a period of three months and the case of the petitioner for promotion will be considered subject to the outcome of the disciplinary cases which have been initiated against the petitioner.

This Court, having considered the rival submissions of the learned counsel for the respective parties, is of the considered view that this writ petition can be disposed of directing the respondents to conclude the disciplinary proceedings initiated against the petitioner in terms of Government Memo No.51883/Ser.C/2002-2, G.A..(Ser-D) Department, dated 19.12.2002, within a period of three months from today, and the promotion of the petitioner will be subject to the outcome of the disciplinary proceedings pending against him.

With the above observations, the writ petition is disposed of. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

Dated: 13th February, 2019

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