

HIGH COURT FOR THE STATE OF TELANGANA

**THE HON'BLE THE CHIEF JUSTICE SRI RAGHVENDRA SINGH CHAUHAN
AND
THE HON'BLE SRI JUSTICE A.ABHISHEK REDDY**

WRIT PETITION No.8129 of 2019

Date : 29.11.2019

Between:

G. Manemma, W/o. B. Bhumaiah

... Petitioner

and

The High Court of Judicature at Hyderabad
For the State of Telangana,
Rep. by its Registrar (General),
Hyderabad, and others.

...Respondents

Counsel for the petitioner : Mr. N. Gangadhar

Counsel for the respondent No.1: Mr. Babuji Tenneti
for Mr. Swaroop Oorilla,
SC for TSHC

The Court made the following:

ORDER: *(Per the Hon'ble the Chief Justice Sri Raghvendra Singh Chauhan)*

The petitioner has filed the present petition for seeking the following relief from this Court:

“to issue a Writ, Order or direction more particularly, a Writ of Mandamus, declaring the action of the 2nd Respondent in not considering/ entertaining the application dated 08.03.2019 seeking (30) days time to submit my statement of defence and without receiving or passing any order on it, proceeded further appointing the 3rd Respondent as Inquiring Authority and also not entertaining the application dated 03.04.2019 submitted by the Petitioner seeking appointment of an Advocate to defend the disciplinary proceedings initiated against her as arbitrarily, illegal, against the principles of natural justice, and violates the articles of 14 and 21 of Constitution of India and consequently consider the same and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

Briefly the facts of the case are that on 21.09.2012, the petitioner was appointed as Office Subordinate, and was posted at the Court of the Additional Junior Civil Judge, Armoor. She continued to work at the said Court till 21.12.2014. Thereafter, she was transferred to the Special Mobile Court, Kamareddy, and was deputed to the Court of the Principal Junior Civil Judge, Kamareddy, where she worked upto October, 2015. Thereafter, she was transferred to the Court of the Senior Civil Judge, Kamareddy, where she worked for a period of one month. Subsequently, she was transferred to the Court of the Junior Civil Judge, Bichkunda, where she worked till 20.07.2016. Thereafter, she was transferred to the Court of the Additional Junior Civil Judge,

Armoor, and was deputed to the Court of the Principal Junior Civil Judge, Armoor, where she worked till November, 2018. On 28.11.2018, she was transferred to the Court of the Additional Junior Civil Judge, Armoor, where she had worked for a period of one month. Again, on 28.12.2018, she was transferred to the Court of the Junior Civil Judge, Bichkuknda.

During the course of her service, on 28.11.2018, the Principal Junior Civil Judge, Armoor, had forwarded a report of the Deputy Nazir of the Court stating that the petitioner had created a ruckus with the Superintendent of the Court, and that she was unauthorisedly absent from duty on 07.05.2018, on 08.05.2018, on 02.06.2018, on 06.07.2018, on 07.07.2018, and from 14.05.2018 to 19.05.2018, and again from 11.06.2018 to 13.06.2018. Consequently, the petitioner was suspended by order dated 07.01.2019. On 21.02.2019, the Disciplinary Authority-cum-Principal District and Sessions Judge, Nizamabad, respondent No.2, had furnished article of charge to the petitioner, basing on the above-mentioned report of the Principal Junior Civil Judge, Armoor. On 08.03.2019, the petitioner submitted an application for seeking extension of time for filing her reply. However, by order dated 15.03.2019, respondent No.2 appointed an Enquiry Officer. On 03.04.2019, the petitioner filed an application for engaging the services of an Advocate to

defend her in the disciplinary enquiry. However, according to the petitioner, the respondent No.2 refused to accept the said application. Hence, the present petition before this Court.

The learned counsel for the petitioner submits that despite the request made by the petitioner by application dated 08.03.2019 for granting her extension of time for filing her reply, the said application has not been considered so far by the respondent No.2. Moreover, despite the request of the petitioner to engage the services of an Advocate to represent her in the departmental enquiry, the said application has not even been received. According to the learned counsel, in case the petitioner is not given a chance to defend herself by engaging the services of an Advocate, the rights of the principles of natural justice to fair enquiry would be violated.

On the other hand, the learned counsel for the respondent No.2 submits that although the application dated 08.03.2019 was received, the same was forwarded to the Enquiry Officer on 25.03.2019 for taking the necessary action. However, the learned counsel is not in a position to inform this Court as to what necessary action has been taken on the said application. Moreover, the learned counsel has denied the fact that the application dated 03.04.2019 was ever filed by the petitioner before the respondent No.2.

Be that as it may, the respondent No.2 is directed to give a chance to the petitioner to file a reply to the articles of charge, and to permit her to engage the services of an Advocate in order to defend her in the departmental enquiry.

With these directions, the writ petition stands disposed of. There shall be no order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

(RAGHVENDRA SINGH CHAUHAN, CJ)

(A.ABHISHEK REDDY, J)

Date: 29.11.2019

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