

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.1393 of 2014

ORDER

This Writ Petition is filed seeking the following relief:

“To issue any appropriate Writ, Order or direction more in the nature of Writ of Mandamus declaring the proceedings Rc.No.A1/8061/2013, dated 11-01-2014 issued by Respondent No.4 and the procedure adopted for causing enquiry against the petitioner with regard to allegations alleged to have been made by the respondent No.6 and directing the petitioner to appear before him on 24-01-2014 at 4-00 PM in the office of Executive Officer Sri Bhramaraba Mallikarjuna Swamy Varla Devasthanam, Srisailam along with relevant records and in default the enquiry will be proceeded with basing on the records as unknown to rule of law and violative of Articles 14 and 16 of Constitution of India apart from violation of principles of natural justice and also contrary to the procedure envisaged for conducting enquiry against the employees who covered by the AP Charitable and Hindu Religious Institutions and Endowments Office Holders and Servants Rules, 2000 *vide* G.O.Ms.No.888 Revenue (Endowments-I) Department, dated 08-12-2000 and the provisions of A.P Charitable and Hindu Religious Institutions and Endowments Act, 1987 and also well settled principles of law laid down with regard to initiation of disciplinary proceedings against the delinquent employee and set aside the

same and pass such further or other orders as the Hon'ble Court may deem fit and proper in the circumstances of the case.”

Heard learned counsel on either side.

It is the case of the petitioner that he is working as Upa Pradhana Archaka in the 5th respondent-institution. While so, the Sarpanch of the 6th respondent Gram Panchayat had made certain allegations against him. Hence, the 4th respondent had issued proceedings dated 11.01.2014 directing the petitioner to appear for the enquiry scheduled to be held on 24.01.2014 at 4.00 P.M, along with records, and if he fails to appear, the enquiry would be conducted *ex parte*. Challenging the said proceedings, the present writ petition is filed.

While ordering notice before admission, this Court granted interim stay on 28.01.2014.

Learned counsel appearing for the petitioner submits that the action of the 4th respondent in directing the petitioner to attend the enquiry scheduled to be held on 24.01.2014 without issuing any charge memo is arbitrary, and contrary to the Service Regulations and Endowments Act. Learned counsel further submits that if the 4th respondent had put the petitioner on notice in the form of charge memo, then he would have had an opportunity to submit his explanation. But, without issuing any charge memo, the 4th respondent

issued the impugned proceedings. Hence, the impugned proceedings are liable to be set aside.

Learned Government Pleader as well as learned Standing Counsel appearing for the respondents contend that the 6th respondent has levelled certain allegations against the petitioner, and in order to enquire into the said allegations only, the 4th respondent had directed the petitioner to attend the enquiry *vide* impugned proceedings dated 11.01.2014 and there are no merits in the writ petition and the same is liable to be dismissed.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the view that without issuing any charge memo, the 4th respondent cannot direct the petitioner to attend the enquiry scheduled to be held on 24.01.2014. The impugned proceedings are contrary to the Service Regulations. Hence, the same are liable to be set aside.

Accordingly, the Writ Petition is allowed and the impugned proceedings dated 11.01.2014 are set aside. However, the respondents are at liberty to initiate enquiry against the petitioner, if they intend to do so, after following the Service Regulations and take appropriate action. No costs.

Miscellaneous petitions, pending, if any shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

29th August, 2019
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