

HIGH COURT FOR THE STATE OF TELANGANA

THE HON'BLE THE CHIEF JUSTICE RAGHVENDRA SINGH CHAUHAN

AND

THE HON'BLE SRI JUSTICE A.ABHISHEK REDDY

Writ Petition No.11653 of 2019

Date: 18.10.2019

Between:

Kum.G.Govinda Lakshmi

..Petitioner

And

The High Court for the State of Telangana,
Hyderabad, rep.by the Registrar General
FAC Registrar (Vigilance)
Hyderabad and another

..Respondents

Standing Counsel for the Petitioner : Sri M. Surender Rao
Senior Counsel for
Mr.Srinivasa Rao Madiraju

Counsel for the respondents : Mr.J. Anil Kumar,
Standing Counsel for the
High Court

The Court made the following:

ORDER: (Per the Hon'ble Sri Justice A.Abhishek Reddy)

The present writ petition is filed by the petitioner, who is presently working as Junior Civil Judge, Kollapur, Mahabubnagar District.

2) The case of the petitioner is that while she was working as IV Additional Junior Civil Judge (Juvenile Court), Warangal, she went on leave from 07.12.2018 to 09.12.2018, which was duly sanctioned by the then II Additional District Judge FAC I-Additional District Judge, Warangal. During the said leave period, from 06.12.2018 after office hours onwards, the VI Additional Junior Civil Judge, Warangal, was kept in-charge of IV-Additional Junior Civil Judge (Juvenile Court), Warangal. On 06.12.2018, the S.I. of Police, P.S. Kazipet, sent a report to the Inspector of Police, P.S.Kazipet, about the seizure of cash of Rs.3,59,19,250/- from the rented house of one Komma Fathima Reddy @ Francis, S/o.Showreddy (accused No.1) on the allegation of bribing the voters by distributing the said money. Basing on the same, on 06.12.2018 the Inspector of Police, Kazipet P.S. registered a case in crime No.253/2018 under various Sections of I.P.C., and Representation of Peoples Act. Further, on the same day, at 10:00 a.m. the Inspector of Police, Kazipet PS, produced the accused No.1 in crime No.253/2018, along with the seized cash, before the VI-Additional Junior Civil Judge (I/c.IV-Additional Junior Civil Judge). The said Judge remanded the said accused No.1 to judicial custody, but did not take the amount of Rs.3,59,19,250/- into the deposit of the Court. It is the case of the petitioner that on 10.12.2018 i.e., after the leave period was over, she joined duty and she came to

know about the seizure of cash in crime No.253/2018. She directed the Station House Officer for the safe custody of the seized amount. The Station House Officer, P.S.Kazipet, on the other hand, made a requisition to the Principal District Judge, Warangal, on 11.12.2018 and again on 02.01.2019 for issuing necessary instructions to the concerned to take the seized cash into Court FDR and also stating that *in spite* of several requests, the learned IV-Additional Junior Civil Judge (Juvenile Court), Warangal, was not taking the seized cash into safe custody. Basing on the same, the Principal District Judge, Warangal, has issued a show cause notice, dated 03.01.2019, to the petitioner as to why disciplinary action should not be taken against her. Subsequently, the High Court vide ROC.No.76/2019-Vigilance Cell, dated 09.05.2019, based on the *suo motu* report of the Principal District Judge, has ordered for regular departmental enquiry against the petitioner herein. Aggrieved by the initiation of the regular departmental enquiry, the present writ petition is filed.

3) Heard Sri M. Surender Rao, the learned Senior Counsel appearing for the petitioner, and Sri J. Anil Kumar, learned Standing Counsel appearing for the 2nd respondent.

4) Sri M.Surender Rao, the learned Senior Counsel, submits that as on the date of initial request made by the SHO, P.S.Kazipet, the petitioner was on leave. Hence, she could not be blamed for the lapses committed by the in-charge Presiding Officer. Further, immediately after she resumed office, on 10.12.2018, and on coming to know about the seizure of cash in crime No.253/2018, she had directed the concerned SHO to keep the amount in safe

custody, and to produce the same at the time of trial. Subsequently, the amounts were converted into FDRs, and the same were deposited into Court. Thus, the initiation of disciplinary proceedings against the petitioner for no fault of her is not only illegal, but also an arbitrary exercise of power.

5) Sri J.Anil Kumar, the learned Standing Counsel for the 2nd respondent, submits that based on the *suo motu* report sent by the learned Principal District Judge, Warangal, stating that the petitioner failed to discharge her statutory duty by ordering for safe custody of the case property i.e. cash of Rs.3,59,19,250/- pertaining to crime No.258/2018 of Kazipet P.S. despite the instructions of the learned Principal District Judge, Warangal, issued in that behalf, disciplinary proceedings were initiated against the petitioner. A single article of charge framed against the petitioner was communicated to her calling for her written statement. Petitioner submitted her written statement. Not satisfied with the written statement submitted by the petitioner, the 2nd respondent, vide proceedings dated 08.05.2019, ordered to continue the disciplinary proceedings initiated against the petitioner. If the petitioner has any defence to submit, she can do so in the disciplinary proceedings, but certainly not by invoking writ jurisdiction under Article 226 of the Constitution of India. Hence, he prayed to dismiss the writ petition.

6) We have gone through the affidavit filed in support of the writ petition, and the material filed along with the writ petition, and also the counter affidavit.

7) It is seen from the record that at the earliest point of time i.e., on 12.12.2018, the Principal District Judge had directed the petitioner to receive the seized cash, and to keep the same in the Court FDR, but the petitioner failed to do so. The Principal District Judge was constrained to issue another notice on 28.12.2018, by way of office memo, to the petitioner directing her to submit a compliance report as to whether the earlier direction to receive the amount and keep the same in the Bank in the form of FDR was complied with or not. Thereafter, a show cause notice was issued by the Principal District Judge on 03.01.2019, calling for an explanation as to why disciplinary action should not be initiated against the petitioner for not complying with the earlier direction to receive the seized cash. It is only thereafter that the petitioner had directed the Station House Officer, P.S.Kazipet, vide letter Dis.No.17, dated 08.01.2019, to deposit the amount into the Court in the form of FDR by 05:00 p.m., on the same day.

8) It is evident from the record that even though the petitioner joined duty on 10.12.2018 and the Principal District Judge, Warangal, had directed the petitioner to keep the seized cash in the Bank in the form of FDR, initially on 12.12.2018, followed up by a letter, dated 28.12.2018, and a show cause notice, dated 03.01.2019, the petitioner had not acted upon the same till 08.01.2019.

9) It is pertinent to note that Judiciary is also one of the disciplined forces, where the Judicial Officers are expected to not only maintain high level of integrity, but also to maintain discipline while discharging their duties. No laxity or negligence can be

shown by the Judicial Officers in discharge of their statutory obligations and duties, more particularly, when a Superior Officer has directed them to do a particular work.

10) It is seen from the record that the petitioner has taken more than twenty-five days to comply with the direction of the Principal District Judge. There is no valid or cogent explanation forthcoming from the petitioner for the delay in following the directions of the Superior Officer. There is no reason or explanation as to why she had taken more than twenty-five days to comply with the direction issued by the Principal District Judge. The said omission on the part of the petitioner speaks voluminous about the lack of discipline in following the orders of the Superior Officer. Even in the absence of any direction from the Superior Officer, the petitioner was duty bound to discharge her statutory obligation. The petitioner ought to have immediately ordered for the safe custody of the seized amount as soon as she resumed duties on 10.12.2018, more particularly, in view of the large amount involved. She cannot simply escape from her responsibility by saying that she was on leave on the initial date of request for deposit of case property. The petitioner is not only duty bound to follow the directions given by her Superior Officer, but she was bound to take the seized cash into safe custody, as soon as a requisition was made by the Police. There cannot be any condonation for the laches committed by the petitioner and the same cannot be pardoned.

11) In view of the above facts and circumstances, we do not find any merit in the writ petition and the same is accordingly dismissed.

12) However, it is hereby clarified that the observations made, hereinabove, shall not influence the final outcome of the departmental enquiry.

The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

RAGHVENDRA SINGH CHAUHAN, HCJ

A.ABHISHEK REDDY, J

18th October, 2019
smr

