

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.12623 OF 2019

Dated:26.08.2019

Between:

Smt. D. Upanishad Wani, W/o. P. Sudheer
Kumar, aged about 38 years, Occ: Assistant
Public Prosecutor, presently working as
Faculty Member (Law) on Deputation
RBVRR TS Police Academy, Hyderabad .. Petitioner

And

The State of Telangana, rep., by its
Principal Secretary, Home Department,
Secretariat, Hyderabad and others .. Respondents



This court made the following :

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WRIT PETITION No.12623 OF 2019

ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for Home.

2. Petitioner, while working as Faculty Member (Law) on deputation in Telangana State Police Academy, was issued memorandum of charge on 19.06.2019 under Rule 22 of the Telangana State Civil Supplies (Classification, Control and Appeal) Rules (for short, 'the Rules') in purported exercise of power as borrowing authority. The said charge memo is challenged in this writ petition.

3. According to learned counsel for petitioner, the borrowing authority is not competent to frame charges. He further submits that even assuming that borrowing authority is competent to frame charge, the manner in which it is formulated and communicated, cannot be treated as a valid charge and therefore, the same is liable to be set aside on that ground alone.

4. Both the learned counsel submit that petitioner was subsequently repatriated to work in parent department.

5. A reading of the charge would show that there is some reference to correspondence and the last paragraph reads as under:

“... In view of her disobedience of instructions and dereliction of duties, Dy. Director (Trg) had recommended for initiation of Disciplinary action against here.

Hence, the charge.”

6. From a reading of this extracted portion, it is apparent that the Director had only recommended for taking disciplinary action, but the same is communicated as a part of charge memo. Thus, the charge memo, as it is not formulated in accordance with the Rules, is not valid.

7. The writ petition is accordingly allowed and the memorandum of charge dated 19.06.2019 is set aside. However, it is left open to the disciplinary authority to take action as warranted by law on due consideration of the report submitted by Telangana State Police Academy. Pending miscellaneous petitions, if any, shall stand closed.

Date:26.08.2019

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P.NAVEEN RAO, J

