

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.17384 OF 2019

Date: 30.08.2019

Between:

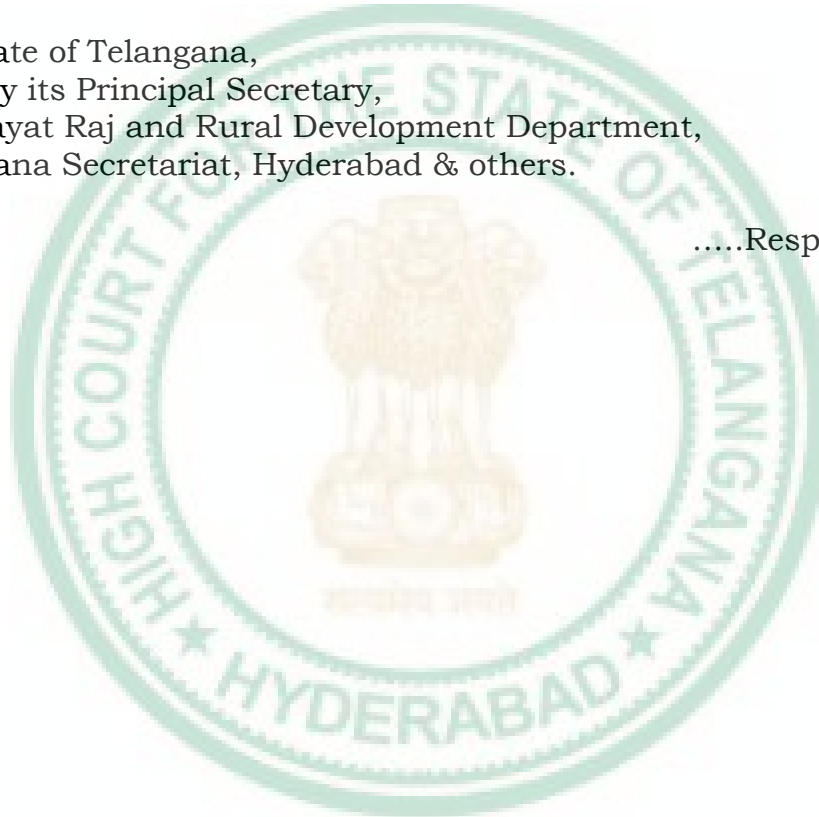
S. Ravinder Reddy S/o.S.Kista Reddy,
Aged about 53 yrs, Occu : Panchayat Secretary,
Shamirpet Village and Mandal,
Medchal-Malkajgiri District
(old R.R. District)

.....Petitioner

And

The State of Telangana,
Rep., by its Principal Secretary,
Panchayat Raj and Rural Development Department,
Telangana Secretariat, Hyderabad & others.

.....Respondents



The Court made the following:

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO. 17384 OF 2019

ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for Services-I.

2. Petitioner is working as Panchayat Secretary, Grade-I. Draft articles of charges were framed on 04.04.2016. On the ground that draft articles were framed, he was ignored for promotion to the post of Extension Officer (PR&RD) made on 26.08.2016. Aggrieved thereby petitioner filed representation to review his entitlement for promotion. By order dated 18.12.2017, the said request of petitioner was rejected, by assigning reason that on 19.09.2017 a charge memo was already issued and the disciplinary proceedings are pending. Aggrieved thereby, petitioner filed W.P.No.3628 of 2018. Consequent to the charge memo dated 19.09.2017, the District Panchayat Officer, was appointed as Enquiry Officer. However, petitioner requested for change of Enquiry Officer. The request of the petitioner was accepted and by order dated 15.03.2018, Enquiry Officer was changed and in the place of District Panchayat Officer, Chief Executive Officer, Zilla Praja Parishad was directed to conduct enquiry. The Chief Executive Officer, Zilla Praja Parishad conducted enquiry and submitted report holding that the charges levelled against the petitioner as not proved. Without disagreeing with the findings of the Enquiry Officer, Memo dated 27.11.2018 was issued calling upon the petitioner to submit his explanation. Accordingly, petitioner submitted his explanation. However, on 05.08.2019, the impugned order was passed imposing the punishment of stoppage

of one annual grade increment without cumulative effect, which is impugned in this writ petition.

3. It is interesting to read the said order. While the order refers to the proceedings dated 15.03.2018 changing the Enquiry Officer, there is no reference to the report submitted by the Chief Executive Officer; no reference to the show cause notice issued to petitioner on 27.11.2018 and his explanation. The order refers to the report of District Panchayat Officer. It goes to say that there is 8th reference and 9th reference in the list of references. But infact, the references are only upto 7. There are no 8th & 9th references. He then proceeds to impose punishment of stoppage of one annual grade increment.

4. The punishment is imposed based on a report which is not valid as District Panchayat Officer, ceased to be Enquiry Officer. It would clearly demonstrate total non-application of mind and mechanically considered the issue affecting the right of petitioner. As contended by learned counsel for petitioner, on the ground that the disciplinary proceedings are contemplated and are pending, entitlement of petitioner for promotion was denied and by virtue of punishment now imposed he is denied consideration for promotion from anterior date.

5. Though the order is innocuous and only a minor punishment is imposed the consequences are more severe than the punishment *per se*. Therefore, the authorities ought to have been diligent in dealing with the matter as the right of petitioner for promotion when due is adversely affected. Further, the Chief Executive Officer, in his report exonerated petitioner. There is no

dissent to said finding. Therefore, the order impugned is not sustainable and is accordingly set aside.

6. Accordingly, the Writ Petition is allowed. Since the disciplinary proceedings are now set aside, respondents are directed to consider petitioner for promotion in the existing or future vacancies, as Extension Officer, (PR&RD), if he is otherwise eligible and qualified. The claim for retrospective promotion depends on the outcome of W.P.No.3628 of 2018. Pending miscellaneous petitions, if any, shall stand closed.

P.NAVEEN RAO,J

Date: 30.08.2019
Rds

