

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 APPEAL No.779 of 2019

Date: 14.10.2019

Between:

H.R. Aradhana Devi

... Appellant

and

The State of Telangana
Rep. by its Principal Secretary,
Department of Labour, Employment,
Training & Factories,
Telangana Secretariat,
Hyderabad, and others

... Respondents

Counsel for the appellant: Mr. T. Koteswara Rao

Counsel for the respondent No.1: Mr. Karthik, GP for Services

The Court made the following:

JUDGMENT: *(per the Hon'ble the Chief Justice Sri Raghendra Singh Chauhan)*

Smt. H.R. Aradhana Devi, the appellant, is aggrieved by the order dated 28.08.2019, passed by a learned Single Judge in W.P.No.18636 of 2019, whereby the learned Single Judge has dismissed the writ petition filed by the appellant-petitioner challenging the initiation of the departmental enquiry against her.

Briefly the facts of the case are that the appellant was working as a Pharmacist Grade – II in the office of Directorate for Insurance Medical Services. Disciplinary proceedings were initiated against the appellant *vide* G.O.Rt.No.152, dated 09.04.2019. The said disciplinary proceedings were initiated based on the report of the Director General (Vigilance & Enforcement), who had conducted vigilance enquiry pointing out several glaring irregularities in procuring medicines. The Vigilance Report had indicted Dr.C.Devika Rani, Director, Insurance Medical Services Department, Dr. K. Vasantha Indira, Civil Surgeon, Dr. M. Venkata Swamy, Joint Director (Family Welfare), Dr. Asha Ramaiah, Civil Surgeon, Smt. K.Naga Lakshmi, Pharmacist Grade II, and Smt.H.R.Aradhana Devi, Pharmacist Grade II, the appellant. Since the appellant was aggrieved by the charge-sheet, she had challenged the same before the learned Single Judge. However, by the impugned order, the learned Single Judge has dismissed the writ petition. Hence, the present appeal before this Court.

Mr. T. Koteswara Rao, the learned counsel for the appellant, has pleaded that the charges framed against the appellant are vague as they do not indicate the omissions committed by her with regard to a particular order, or the lack of supply by the concerned supplier. Therefore, the charges deserve to be set aside by this Court.

Secondly, while five out of six delinquent officers are being jointly enquired in the departmental enquiry, the Director has been let out. Therefore, hostile discrimination is being practiced against the appellant. Hence, the learned Single Judge is unjustified in dismissing the writ petition.

On the other hand, Mr. Karthik, the learned Government Pleader for Services, submits that the entire charge-sheet is based on the report submitted by the Vigilance Department. In the report, the Vigilance Department has given clear evidence not only against the appellant, but also against the other delinquent officers. Therefore, the appellant cannot claim that she is unaware of the allegations made against her.

Secondly, it is not that the Director is being let off. In fact, as soon as U.O. Note dated 24.07.2019 is made available, the departmental enquiry shall commence against the Director also. In fact, in G.O.Rt.No.353 dated 24.07.2019, it is clearly stated that a separate charge-sheet shall be issued against the Director as soon as the necessary documents are received. Therefore, it is not a case of hostile

discrimination against the appellant. Hence, the learned Government Pleader has supported the impugned order.

Heard the learned counsel for the parties and perused the impugned order.

A bare perusal of the impugned order clearly reveals that the learned Single Judge has observed that a charge memo should not be interfered with at the initial stage of the departmental enquiry. For, the evidence has to be led by both the sides during the enquiry proceedings. It would be too early in the day to interfere with the charge-sheet and to stifle the departmental enquiry.

Admittedly, along with the charge-sheet, a copy of the Vigilance Report was also furnished to the appellant. A bare perusal of the Vigilance Report clearly reveals that specific instances have been given where no action was taken against the companies, which were required to supply the medicines. Instead, the medicines were bought at a higher price than necessary. Moreover, according to the Vigilance Report, all the six delinquent officers were involved in procuring the medicines from the local market and that, too, in violation of the procedure for procuring the medicines for the department. Therefore, the learned counsel for the appellant is unjustified in claiming that the charges are vague in content.

G.O.Rt.No.353, dated 24.07.2019, clearly indicates that a separate charge-sheet shall be issued in relation to the Director as soon as certain documents are received. Moreover,

admittedly, a common enquiry has been initiated against the five delinquent officers. Therefore, the learned counsel for the appellant is unjustified in claiming that hostile discrimination is being practiced against the appellant. The fact that a separate charge-sheet would be issued to the Director after the necessary documents are received has also been noted by the learned Single Judge.

For the reasons stated above, this Court does not find any illegality or perversity in the impugned order. This writ appeal, being devoid of any merit, is hereby dismissed. There shall be no order as to costs.

As a sequel, miscellaneous petitions, pending if any, shall also stand dismissed.

(RAGHVENDRA SINGH CHAUHAN, CJ)

(A. ABHISHEK REDDY, J)

Date: 14.10.2019
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