

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.47974 of 2018

ORDER:

This writ petition is filed seeking a Writ of Mandamus, declaring the entire action of respondents in not passing final orders inspite of concluding the inquiry and concluding the proceedings in respect of co-delinquent employee, namely, Sri S.Chandrasekhar Reddy, Superintendent (Retd.), even though common charges were framed and common inquiry was conducted against all, on the sole ground that the said individual obtained interim orders from this Court in W.P.No.36313 of 2018, dated 25.10.2018, as highly illegal, arbitrary, discriminatory and violative of principles of natural justice and sought consequential directions, directing the respondents to forthwith pass final orders by concluding the disciplinary proceedings like other co-delinquent employee, namely, Sri S.Chandrasekhar Reddy, Superintendent (Retd.), to enable petitioners 1 and 2 to get their retiral benefits.

Heard Sri S.Satyanarayana Rao, counsel for petitioners and the Government Pleader for Services-II, appearing for respondents.

It has been contended by the petitioners that they were working with the respondents and the respondents have initiated disciplinary proceedings against them including several other employees of the respondents vide proceedings in G.O.Rt.No.212, dated 13.04.2016. Petitioners further contend that a common inquiry officer was appointed to inquire into the allegation of misappropriation of Government funds and the inquiry officer had conducted a common inquiry against all the employees and submitted his inquiry report. Thereafter, the State Government is not passing any orders even though the inquiry proceedings have been concluded. Counsel for petitioners submits that petitioners 1 and 2 have retired from service on attaining the age of superannuation during October 2014 and February 2018 respectively and

contend that identical disciplinary proceedings were initiated against one Sri S.Chandrasekhar Reddy and when the State Government had not passed final orders in pursuance to the disciplinary proceedings initiated against the said individual, he had filed writ petition No.36313 of 2018 challenging the action of State Government in not passing final orders in pursuance to the disciplinary proceedings initiated against him and this Court granted interim directions directing the State Government to pass final orders in the inquiry, which was concluded on 12.07.2016 by the 3rd respondent within a period of three months from the date of receipt of copy of the said order. Thereafter, the State Government has passed final orders against Sri S.Chandrasekhar Reddy vide proceedings dated 12.12.2018 and imposed penalty of 5% cut in pension.

Learned counsel for petitioners contend that the petitioners are also similarly situated and the State Government had initiated disciplinary action against several individuals including Sri S.Chandrasekhar Reddy and also the petitioners herein and the inquiry officer had conducted a common inquiry and submitted his report on 12.07.2016, but the State Government is not passing any final orders in pursuance to the inquiry officer's report, therefore, contend that appropriate orders be passed directing the State Government to pass final orders in pursuance to the inquiry report submitted by the inquiry officer within reasonable period of time, as was done in the case of Sri S.Chandrasekhar Reddy.

The learned Government Pleader appearing for respondents contend that a common inquiry was conducted and the inquiry officer has submitted his report on 12.07.2016 and that the State Government would pass appropriate orders within reasonable period of time.

This Court, having considered the rival submissions of the parties, is of the considered view that since the inquiry officer has already submitted his inquiry report on 12.07.2016 against all the petitioners including that of Sri S.Chandrasekhar Reddy and that the State Government has already passed final orders in respect of Sri S.Chandrasekhar Reddy, this Court is of the considered view that since the disciplinary proceedings initiated against the petitioners are yet to be concluded even though the inquiry officer has submitted his report, therefore, this Court is of the opinion that the State Government shall consider the case of the petitioners also by duly taking into account the inquiry officer's report dated 12.07.2016 and pass appropriate final orders against the petitioners also within a reasonable period of time, preferably within two months from the date of receipt of a copy of this order.

With these observations, the writ petition is disposed of. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

2nd January, 2019

ajr