

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.241 OF 2020

ORDER:

Heard Sri Syed Mushtaq Ahmed, learned counsel for the petitioner and the learned Government Pleader for Services-I. With the consent of the counsel on either side, this writ petition is being disposed of at the admission stage.

This writ petition is filed seeking the following relief :-

“.....Writ of Mandamus declaring the Enquiry report dated 18.12.2019 communicated by the 2nd respondent in impugned proceedings in Memo No.3518/Admn/A2/2019 dated 27.12.2018 is perverse, contrary to sub rule (11) (12) (14) and (15) of Rule 20 of TSCS (CC&A) Rules, 1991 and against the sub rule (1) of Rule 2 of G.O.Ms.No.165 Finance and Planning (Fin.Wing.F.R.1) Department dt.21.1.1984 and sustainable under law, consequently set aside the impugned proceedings No.3518/Admin/A2/2019 dt.27.12.2019 and to pass such other order or orders.....”

It has been contended by the petitioner that he has been working as a Statistical Officer with the respondents. While he was discharging his duties, the disciplinary authority initiated disciplinary proceedings against him vide Memo dated 31.07.2019 alleging that he has furnished different dates of birth to different authorities at different points of time with malafide intention of deceiving the authorities concerned and Government so as to continue in the Government service beyond the stipulated age of superannuation. The petitioner further contends that in pursuance to the said Memo, though he had submitted explanation, the disciplinary authority, not satisfied with the

explanation submitted by him had appointed Enquiry Officer and the Enquiry Officer without following the Telangana Civil Services (Classification, Control and Appeal) Rules, 1991 (for short 'the Rules') submitted a report on 18.12.2018 holding that the charge levelled against the petitioner is proved and the said report was communicated to the petitioner on 27.12.2019. Challenging the same, the present writ petition is filed.

Learned counsel for the petitioner contends that the Enquiry Officer, without following sub rules (11) (12) (14) and (15) of Rule 20 of the Rules and without giving opportunity to the petitioner has mechanically held that charge levelled against the petitioner is proved. He further contends that during enquiry, no witnesses were examined and no opportunity was given to the petitioner to cross examine the witnesses. Therefore, he further contends that the report submitted by the petitioner is perverse and the same is liable to be set aside.

Learned Government Pleader appearing for the respondents had contended that if the Enquiry officer's report is contrary to the Rules, petitioner would have submitted his objections and the disciplinary authority also has given an opportunity to the petitioner to submit his objections vide proceedings dated 27.12.2019. Instead of filing the objections, the petitioner straight away filed the present writ petition which is not maintainable. Therefore, he contends that there are no merits in the writ petition and the same is liable to be dismissed. If only the petitioner submits his objections to the enquiry officer's report, the

disciplinary authority would examine the same and pass appropriate orders in accordance with law.

This Court, having considered the rival submissions of the learned counsel appearing for the respective parties, is of the considered view that this writ petition can be disposed of directing the petitioner to submit his objections to enquiry officer's report in pursuance to the proceedings dated 27.12.2019. Upon such objections being received, the disciplinary authority shall consider the same and pass appropriate orders in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

With the above observations, this writ petition is allowed.
No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

Date: 06-01-2020
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