

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.2520 OF 2020

DATED : 10.02.2020

Between :

Ganta Nageswara Rao S/o.Venkatesh,
61 yrs, Occu : Ex-Security Officer/JMO,
R/o.8-16-1/19-1, Karmanghat, L.B.Nagar,
Ranga Reddy District.

..... Petitioner

And

The Singareni Collieries Company Ltd.,
Rep., by its Chairman & Managing Director,
Singareni Bhavan, Red Hills,
Hyderabad & others.

.....Respondents



The Court made the following:

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ORDER :

Heard learned counsel for the petitioner and learned Standing counsel appearing for the respondents.

2. Petitioner retired from service as Security Officer from Singareni Collieries Company Limited. He was served with Articles of Charge dated 09.12.2017, alleging that being incharge of STPP, he failed to collect/seek conditions stipulated for transportation of sand in three consignments from SCCL leased sand quarry to STPP Jaipur from GM (Civil), STPP and allowed Contractor's/Sub-Contractors Trucks for transportation of sand from Chennur sand quarry to STPP plant without maintaining proper record in consultation with competent authority. It was further alleged that as in-charge of Security at STPP/HOD of Security Department, petitioner has failed to monitor movement of trucks and maintain proper records at check posts at Chennur sand quarry as well as STPP plant in connection with sand transported; to erect check post at appropriate place to monitor and regulate movement of sand transportation Trucks moving IN and OUT of the Chennur sand quarry by the guards; failed to implement/record the system of booking of In-time entry of trucks at Chennur sand quarry; failed to exercise control over security guards posted at Quarry as well as STPP, resulting in recording the timings at Security Point by the contractors' personnel instead of security guards and failed to control/regulate the excess sand being transported over and above the specified quantity in the weigh bills. It was further alleged that petitioner failed to exercise personal attention and was

negligent in performing his duties and his negligence and malafide intention led to mis-appropriation and undue financial gain to M/s.BTF & BOP and other civil works contractors, causing huge financial loss to the company.

3. According to learned counsel for the petitioner, disciplinary proceedings were initiated against Sri B.Naveen Kumar, working as DGM (Civil) and allegations leveled against him also concerns the same issue. He therefore, submits that the respondent-Company ought to have conducted joint domestic enquiry against the petitioner as well as Sri B.Naveen Kumar and not conducting joint enquiry and conducting two separate enquiries would amount to arbitrary exercise of power and authority.

4. Learned counsel placed reliance on Regulation 33.1 of Conduct, Discipline and Appeal Rules of respondent Company to contend that the disciplinary authority is competent to conduct common enquiry against one or more officers involved in the same delinquency.

5. From the material on record and as fairly submitted by learned counsel for the petitioner, so far no request was made by the petitioner to the authorities to conduct joint enquiry but straight away filed this writ petition.

6. A reading of Regulation 33.1, it is apparent that, it is for the disciplinary authority to conduct common enquiry, if the charges leveled are against one or more employees/officers, are same, to avoid duplicity and to expedite the disciplinary proceedings, but the delinquent employee cannot compel the disciplinary authority

to hold common enquiry. Therefore, no mandamus can be issued as sought for by the petitioner.

7. Accordingly, the Writ Petition is dismissed. However, it is open for the petitioner to make request to the disciplinary authority to hold common enquiry and it is for the disciplinary authority to consider the same. Making of such request and consideration of the same, does not come in the way of continuing domestic enquiry, if it is already set in motion. Pending miscellaneous petitions, if any, shall stand closed.

P.NAVEEN RAO,J

10th February, 2020
Rds

