HIGH COURT FOR THE STATE OF TELANGANA
(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY NINTH DAY OF JULY
TWO THOUSAND AND TWENTY

PRESENT

THE HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION NO: 10759 OF 2020

Between:

C. Sudarshan, S/o Chandraiah (Late), Age 47 Years, Occ. Panchayat Secretary- Gr, II, Gram Panchayat, Kammadanam, Faroq Nagar Mandal, Ranga Reddy District.

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, Panchayat Raj and Rural Emloyment Dept., Secretariat Buildings, Hyderabad -500022.
2. The Commissioner of Panchayat Raj and Rural Emloyment Dept., P.R. Bhavan, Himayat Nagar, Hyderabad.
3. The District Collector, (P.W.), Ranga Reddy District At Lakdi-ka-Pool, Hyderabad.
4. The District Panchayat Officer, Ranga Reddy District At Lakdi-ka-Pool, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate Writ, order or direction more particularly one in the nature of Writ of Mandamus by declaring the entire action of the respondents , particularly the entire action of the 3rd respondent in issuing the present Impugned Show Cause Notice vide Proc.5829/2014-A1(Pts), dated 18-06-2020 by entertaining the perverse report of the 3rd enquiry officer, dated 15-10-2019 and calling explanation from the petitioner is an empty formality, as the 3rd respondent already taken a decision to impose major penality with predetermined mind, is as highly illegal , arbitrary, unjust , improper, colorable exercise of power, shockingly disproportionate and without jurisdiction and set aside the same.

b) Consequently to hold that the entire Procedure adopted by the respondents for issuing the present Impugned Show Cause Notice vide Proc.5829/2014-A1(Pts), dated 18-06-2020 by the 3rd respondent not only illegal, contrary to the CCA Rules including various Judicial Pronouncements in the subject matter and the petitioner herein entitled for all consequential benefits such further promotion etc. and to pass

IA NO: 1 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the operation of the Impugned Show Cause Notice vide Proc.5829/2014-A1(Pts), dated 18-06-2020 of the 3rd respondent.

Counsel for the Petitioner: SRI. SANTHAPUR SATYANARAYANA RAO

Counsel for the Respondents: GP FOR PANCHAYAT RAJ & RURAL DEVELOPMENT

The Court made the following: ORDER

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO. 10759 of 2020

ORDER:

Heard learned counsel for petitioner and learned Government Pleader.

2. This writ petition is filed challenging the show cause notice dated 18.6.2020. By this show cause notice, petitioner was called upon to submit his explanation as to why major punishment of reduction to lower time scale of pay and Grade I, cannot be imposed on him.

3. Learned counsel for petitioner sought to raise several contentions including manner in which the disciplinary proceedings were conducted, conducting successive enquiries and not observing principles of natural justice etc.

4. Petitioner participated in the enquiry resulting in enquiry officer submitting his report dated 15.10.2019 holding four charges as proved, one charge as partly proved and one charge as not proved. Copy of the enquiry report was furnished to the petitioner and he was asked to submit his explanation. Petitioner submitted his explanation on 25.11.2019. After considering the explanation, the present show cause notice is issued. In other words, this is a second show cause notice. After amendment to Article 311 of the Constitution of India, the Service Rules are also amended and issuing second show cause notice is dispensed with. After considering the explanation offered on the findings of the enquiry officer holding the charges as proved, it is open to the disciplinary authority to impose appropriate punishment and there is no requirement to issue notice on what punishment is proposed to be imposed.

5. That being so, by the impugned second show cause notice, additional opportunity is provided to the petitioner. He can avail the said opportunity to persuade the disciplinary authority not to impose the punishment and punishment proposed is grave. Thus, the petitioner can not assail the show cause notice on the ground that it is indicating the punishment, particularly when there is no requirement to issue second show cause notice indicating the nature of punishment to be imposed. This Court is not inclined to entertain this writ petition at this stage. Accordingly, the writ petition is dismissed, leaving it open to the petitioner to submit his explanation raising all objections as available to him in law in response to the show cause notice issued to him on 18.6.2020. It is needless to observe that on submission of explanation, same would be objectively considered and appropriate decision would be taken as warranted by law. Miscellaneous applications, if any, pending, stand closed.

SD/- M.MANJULA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. One CC to Sri. S. Satyanarayana Rao, Advocate (OPUC)
2. Two CCs to GP for Panchayat Raj & Rural Development, High Court for the State of Telangana at Hyderabad (OUT)
3. Two CD Copies.

PM

HIGH COURT

DATED:29/07/2020



ORDER

WP.No.10759 of 2020

Dismissing the WP
Without costs.

(S) VLV
13/8/20