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

MONDAY, THE TWENTY EIGHTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY

PRESENT

THE HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO: 23844 OF 2020

Between:

Sk.Aleem Pasha, S/o-late Shaik Mahaboob, aged 47 years, Occ-Loco Operator (Driver Gr-I), (under suspension), O/o SE/CHP/KTPS (O & M), KTPS-VII Stage, Paloncha, Bhadradri Kothagudem District.

...PETITIONER

AND

1. Telangana State Power Generation Corporation Limited, Rep. by its Chairman and Managing Director, Vidyuth Soudha, Khairathabad, Hyderabad-82.
2. The Chief Engineer (O & M), VII Stage, KTPS Paloncha, Bhadradri Kothagudem District

...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 order/direction or writ more particularly one in the nature of Writ of Mandamus declaring the Charge Memo Dtd-24/01/2019 and Revised Charge Memo Dtd-04/03/2020 issued by the 2nd Respondent Authority placing the petitioner under deemed suspension as illegal, arbitrary, contrary to the material on record, besides violative of Article 21 of the Constitution of India, consequently set aside the same directing the respondents herein to reinstate the petitioner into service forthwith and pay all attendant benefits including back wages.

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 direct the respondents herein to reinstate the petitioner into service forthwith by suspending the Charge Memo Dtd-24/01/2019 & Revised Charge Memo Dtd:04/03/2020 issued by the 2nd Respondent Authority.

Counsel for the Petitioner: SRI. JITHENDER RAO VEERAMALLA

Counsel for the Respondents: SMT. A. DEEPTHI, SC FOR GENCO

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.23844 of 2020

ORDER:

This writ petition is being disposed of at the admission stage with the consent of both the parties.

This writ petition is filed seeking the following relief:

> "....to issue an order/direction or writ, more particularly, one in the nature of Writ of Mandamus declaring the charge memo dated 24.01.2019 and Revised charge memo dated 04.03.2020 issued by the 2nd respondent authority placing the petitioner under deemed suspension as illegal, arbitrary, contrary to the material on record, besides violative of Article 21 of the Constitution of India, consequently set aside the same directing the respondents herein to reinstate the petitioner into service forthwith and pay all attendant benefits including back wages and to pass such other order/s as this Hon'ble Court deems fit and proper in the interest of justice."

Heard Sri V.Jithender Rao, counsel for the petitioner, and Smt. A.Deepthi, Standing Counsel appearing for the respondents.

It has been contended by the petitioner that the respondents have issued a charge memo against him on 24.01.2019 and a revised charge memo on 04.03.2020. Pursuant thereto, the petitioner has submitted a detailed explanation and thereafter a regular departmental enquiry was conducted. The Enquiry Officer has submitted his report on 30.06.2020.

Counsel for the petitioner contended that though the petitioner has challenged the charge memo in the present writ petition, as of now

the petitioner confined his argument only to direct the disciplinary authority to conclude the disciplinary proceedings within a reasonable period of time. Therefore, counsel contended that appropriate orders be passed in the writ petition directing the disciplinary authority to conclude the disciplinary proceedings initiated against the petitioner within a reasonable period of time.

Standing Counsel appearing for the respondents had contended that since the Enquiry Officer has submitted his report, the disciplinary authority would conclude the disciplinary proceedings within a reasonable period of time.

This Court, having considered the rival submissions made by learned counsel for respective parties, is of the considered view that this writ petition can be disposed of directing the disciplinary authority to conclude the disciplinary proceedings initiated against the petitioner within a reasonable period of time, preferably within three months from the date of receipt of a copy of this order.

With the above directions, this writ petition is disposed of. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

SD/- K.ONESIM
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Chairman and Managing Director, Telangana State Power Generation Corporation Limited, Vidyuth Soudha, Khairathabad, Hyderabad-82.
2. The Chief Engineer (O & M), VII Stage, KTPS Paloncha, Bhadradri Kothagudem District.
3. One CC to Sri. Jithender Rao Veeramalla, Advocate [OPUC]
4. One CC to Smt. A. Deepthi, SC for GENCO [OPUC]
5. Two CD Copies.

PM

HIGH COURT

DATED:28/12/2020



ORDER

WP.No.23844 of 2020

Disposing of the WP
Without costs.