

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

(Special Original Jurisdiction)

MONDAY, THE SIXTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SRI JUSTICE K. SARATH

WRIT PETITION NO: 2731 OF 2023

Between:

P. Saritha, W/o. Late P. Surender Rao, Occ: Prohibition and Excise Inspector, Industries, Jeedimetla, Working in the Office of Assistant Commissioner, Distillery Office in Hyderabad-500001

...PETITIONER

AND

1. The State of Telangana, rep by its Principal Secretary, Revenue (Excise) Secretariat, Hyderabad, Telangana state.
2. The Commissioner of Prohibition and Excise, State of Telangana, Nampally, Hyderabad.
3. The Tribunal for Disciplinary Proceedings, (TDP), for the State of Telangana rep by its Secretary, Nampally, 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 a Writ Order or direction more particularly one in the nature of Writ of Mandamus declare the action of the respondents in not concluding the long pending disciplinary charge vide Tribunal Enquiry Case No. 251 of 2013, dated: 09.08.2018 issued by the 3rd respondent, which related period from 08.09.2011 in terms of G.O.Ms.No. 679 GA (Ser.C) Department, dated: 01-11-2008, as illegal, arbitrary and in violation of existing specific instructions of the Government, and accordingly set aside the same, consequently direct the 1st respondent to conclude the disciplinary proceedings in terms of G.O.Ms.No. 679 GA (SER.C) Department, dated: 01-11-2008, and on the same analogy of orders passed in WP No. 14567 of 2019 dated- 25-09-2019 which conformed in W.A.No. 456 of 2021 and batch dated- 16-09-2021 which was passed by the Hon'ble A.P. High Court and this court also passed orders in W.P.No. 32300 of 2022 dated- 22.08.2022, W.P. No. 32464 of 2022 dated: 18.08.2022 and W.P.No. 15192 of 2020 Dt: 03.12.2020 complete the enquiry within time period and failing which set aside the charge memo by the A.P. High Court and this Hon'ble High Court also passed orders in WP No. 32464 of 2022 dated: 18.08.2022 and W.P.No. 32300 of 2022 Dt: 22.08.2022 and W.P.No. 15192 of 2020, Dt. 03.12.2020;

IA NO: 1 OF 2023

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 charge vide Tribunal Enquiry Case No. 251 of 2013, dated- 09.08.2018 issued by the 3rd respondent

Counsel for the Petitioner : SRI. R SATYANARAYANA MURTHY

Counsel for the Respondents: GP FOR SERVICES III

The Court made the following:

THE HONOURABLE SRI JUSTICE K.SARATH

WRIT PETITION No. 2731 of 2023

ORDER:

This Writ Petition has been filed seeking a Writ of mandamus to declare the action of the respondents in not concluding the long pending disciplinary charge *vide* Tribunal Enquiry Case No.251 of 2013, dated 09.08.2018 issued by the respondent No.3, which related period from 08.09.2011 in terms of G.O.Ms.No.679 GA (Ser.C) Department, dated 01.11.2008, as illegal and arbitrary.

2. The brief facts leading to filing of the present writ petition are that while the petitioner was working as Prohibition and Excise Inspector, at Mancheryala, a charge memo in Tribunal Enquiry Case No.251 of 2013 was issued. It is submitted that in spite of lapse of more than 7 years, disciplinary proceedings have not been concluded and therefore, petitioner is facing severe hardship. Therefore, this writ petition is filed seeking directions to

respondent No.3 i.e., the Tribunal to conclude the proceedings within the time framed fixed in G.O.Ms.No.679, dated 01.11.2008. He also places reliance upon the orders of this Court in W.P.No.14567 of 2019, dated 25.09.2019 and in W.A.No.456 of 2021 and batch, dated 16.09.2021, W.P.No.32300 of 2022 dated 22.08.2022, W.P.No.32464 of 2022 dated 18.08.2022 and W.P.No.15192 of 2020 dated 03.12.2020.

3. Learned Government Pleader for Services-III appearing for the respondents, submitted that the Tribunal i.e., respondent No.3 is not functioning at present and there is only an incharge member and therefore, disciplinary proceedings against the petitioner could not be concluded within time.

4. Having regard to the fact that there is an incharge member in the Tribunal i.e., respondent No.3, this Court deems it fit and proper to direct the respondent No.3 to conclude the disciplinary proceedings against the petitioner within the period of six (6) months from the date of receipt

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of a copy of this order. If the proceedings cannot be concluded by any reason within a period of six (6) months, the respondents No.1 and 2 are directed to take a decision on disciplinary proceedings in accordance with law, or otherwise, the disciplinary proceedings shall be deemed to have been disposed.

5. The writ petition is accordingly disposed of. There shall be no order as to costs.

6. Miscellaneous applications, if any pending, shall also stand closed.

SD/- MOHD. SANAULLAH ANSARI
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The Principal Secretary, Revenue (Excise) Secretariat, State of Telangana, Hyderabad.
2. The Commissioner of Prohibition and Excise, State of Telangana, Nampally, Hyderabad.
3. The Secretary, Tribunal for Disciplinary Proceedings, (TDP), for the State of Telangana Nampally, Hyderabad
4. One CC to SRI. R SATYANARAYANA MURTHY, Advocate [OPUC]
5. Two CCs to GP FOR SERVICES III, High Court for the State of Telangana, Hyderabad. [OUT]
6. Two CD Copies

HIGH COURT

SKJ

DATED:06/02/2023

ORDER

WP.No.2731 of 2023



**WRIT PETITION IS DISPOSED
OF WITHOUT COSTS**