

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

AND

THE HON'BLE SRI JUSTICE PULLA KARTHIK

Writ Petition No.11986 of 2011

ORDER : *(Per Hon'ble Sri Justice Abhinand Kumar Shavili)*

This Writ Petition is filed by the petitioner under Article-226 of the Constitution of India seeking a '*Writ of Certiorari*' by calling for records relating to the order passed by the Central Administrative Tribunal (for short, 'the Tribunal'), Hyderabad in O.A.No.514 of 2009, dated 04.10.2010 and to quash the same.

2. Heard Mr. Ch. Ravinder, learned counsel for petitioner and Mr. Gadi Praveen Kumar, learned Deputy Solicitor General of India for respondents.

3. Learned counsel for the petitioner contended that the petitioner was appointed as Branch Post Master, Koulas a/w Jukal, Nizamabad Postal Division in 2001, while he was discharging his duties, the respondents have issued the charge memo, dated 03.08.2006 alleging that

the petitioner has misappropriated the amounts and initiated the disciplinary proceedings and after conducting detailed enquiry, the disciplinary authority has imposed a punishment of removal from service vide orders, dated 13.06.2008. Aggrieved by the same, the petitioner has preferred an appeal to the appellate authority and appellate authority has also confirmed the same. Later, the petitioner has challenged the same before the Tribunal by filing O.A. No.514 of 2009 and the Tribunal vide orders, dated 04.10.2010 was pleased to dismiss the O.A without appreciating any of the contentions raised by the petitioner. Therefore, appropriate orders be passed in the writ petition by setting aside the orders passed by the Tribunal and the disciplinary authority and also as confirmed by the Appellate authority in removing the petitioner.

4. On the other hand, learned Standing Counsel for the respondents contended that charge was held to be

proved in the enquiry after giving opportunity to the petitioner and the disciplinary authority has imposed a punishment of removal only for the proven misconduct in the enquiry. The Tribunal was justified in dismissing the O.A .Therefore, there are no merits in the writ petition and the same is liable to be dismissed.

5. This Court, having considered the rival submissions made by the parties, is of the considered view that the Tribunal was justified in dismissing the O.A preferred by the petitioner, as admittedly the charges against the petitioner was held to be proved in disciplinary enquiry and the disciplinary authority has rightly imposed a punishment of removal. Therefore, this Court is not inclined to interfere with the orders passed by the Tribunal.

6. With these observations, the Writ Petition is dismissed. No costs.

7. As a sequel, miscellaneous applications pending if any in this Writ Petition, shall stand closed.

ABHINAND KUMAR SHAVILI, J

PULLA KARTHIK, J

Date: 24.01.2023
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