

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI
AND
THE HON'BLE SRI JUSTICE PULLA KARTHIK

Writ Petition No.12397 of 2010

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.522 of 2006, dated 13.06.2008 and to quash the same.

2. Heard Mr. Ch. Ravinder, learned counsel for petitioner and Mrs. Anjali Agarwal, learned Standing Counsel for respondents.

3. Learned counsel for the petitioner contended that the petitioner was appointed as Branch Post Master in Mahabubnagar postal division in the year 1983. While he was discharging his duties, the respondents have issued the charge memo, dated 27.6.2003 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 vide orders, dated 10.12.2004. Aggrieved by the same, the petitioner has preferred an appeal to the appellate authority and the appellate authority has also confirmed the same. Thereafter, the petitioner has also approached the revisional authority and the revisional authority rejected his revision and later, challenged the same before the Tribunal by filing O.A. No.522 of 2006 and the Tribunal vide orders, dated 13.06.2008 was pleased to dismiss the O.A without appreciating any of the contentions raised by the petitioner.

4. Learned counsel for the petitioner had further contended that two charges were levelled against the petitioner where in, one charge was not proved and another charge was partly proved. The Tribunal ought to have appreciated that the charge of misappropriation was not held to be proved and directed the respondents to reinstate the petitioner into service. 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 and Revisional authority in removing the petitioner.

5. On the other hand, learned Standing Counsel for the respondents contended that charge were held to be proved in enquiry and however opportunity was given to the petitioner and the disciplinary authority has imposed a punishment of removal only for the proven misconduct in the enquiry. Therefore, the Tribunal was justified in dismissing the O.A. There are no merits in the writ petition and the same is liable to be dismissed.

6. 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 levelled against the petitioner were 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.

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

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

ABHINAND KUMAR SHAVILI, J

PULLA KARTHIK , J

Date: 20.01.2023
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