

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

Writ Petition No.24024 of 2006

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.1463 of 2002, dated 02.05.2005 and to quash the same.

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

3. Learned counsel for the petitioner contended that the petitioner was appointed as "Branch Post Master" in Lingala Ghanpur, Hanamkonda Division, while he was discharging his duties, the respondents have issued the charge memo, dated 16.06.1998 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 23.08.2000. Aggrieved by the same, the petitioner has preferred an appeal to the appellate authority and 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 the petitioner challenged the same before the Tribunal by filing O.A. No.1463 of 2002 and the Tribunal vide orders, dated 02.05.2005 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 three charges were levelled against the petitioner and charges were not proved. The Tribunal ought to have appreciated that the charges of misappropriation were 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 from service.

5. On the other hand, the learned Deputy Solicitor General of India for the respondents contended that charges were held to be not proved based on benefit of doubt and the disciplinary authority has imposed a punishment of removal from service for the proven misconduct in the enquiry and 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.

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 not proved based on benefit of doubt in disciplinary enquiry and based on the proven misconduct, the disciplinary authority has rightly imposed a

punishment of removal from service. 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: 24.01.2023
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