

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

**MONDAY, THE TWENTY SECOND DAY OF JANUARY
TWO THOUSAND AND TWENTY FOUR**

PRESENT

**THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE
AND
THE HONOURABLE SHRI JUSTICE ANIL KUMAR JUKANTI**

WRIT PETITION NO: 15586 OF 2009

Between:

R. Siva Rama Krishna, S/o. Suryanarayana, Aged about 58 years,
R/o. H.No.9-8-32, Brahmin, Bazar, Khammam, Khammam District.

...PETITIONER

AND

1. The Registrar(Management) High Court of A.P. Hyderabad.
2. The District and Sessions Judge, Khammam District at Khammam.

...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 Certiorari calling for the records relating to the impugned order vide Proceedings Order Dis.No.4208/ADM/DCK, dated 24-6-2006 on the file of the 2nd respondent by which the petitioner was dismissed from service as confirmed in Appeal vide order in D(D) A.No.02/2007.C4 (con.), dated 31-3-2007 on the file of the 1st respondent and quash the same as the same are illegal, contrary to law and violative of Art. 14 of the constitution of India apart from contrary to the provisions of APCS (CCA) Rules 1991 and consequently set aside the same

Counsel for the Petitioner: SRI SRINIVASA RAO MADIRAJU

Counsel for the Respondent No.1:----

**Counsel for the Respondent No.2: SRI SUMANTH RAVURI, REPRESENTING
FOR BATHULA RAJ KIRAN (SC FOR TSHC)**

The Court made the following: ORDER

**THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE
AND
THE HON'BLE SHRI JUSTICE ANIL KUMAR JUKANTI**

WRIT PETITION No.15586 of 2009

ORDER: (per the Hon'ble the Chief Justice Alok Aradhe)

None for the petitioner.

Mr. Sumanth Ravuri, learned counsel appears for
Mr. Bathula Raj Kiran, learned counsel for respondent No.2.

2. In this Writ Petition, the petitioner has assailed the validity of the order of dismissal dated 24.06.2006 passed by the disciplinary authority as well as the order dated 31.03.2007 passed by the appellate authority by which the appeal preferred by the petitioner has been dismissed.

3. Facts giving rise to filing of this petition briefly stated are that the petitioner joined the service in the year 1975 and was promoted as Senior Assistant. At the relevant time, the petitioner was posted as Deputy Nazir in Junior Civil Judge's Court at Yellandu of Khammam District. Two charge memos dated 07.01.2004 were issued to the petitioner containing 10 and 2 charges respectively. The substance of the charges

against the petitioner was that the petitioner had collected the amounts under various heads and had deposited the same belatedly and had used the public funds for his own use.

4. The petitioner submitted a reply on 03.03.2004 to the aforesaid charges. The petitioner in the aforesaid reply admitted the charges. However, he pleaded that variation in the amount was only to the extent of Rs.300/- to Rs.700/- only. The aforesaid explanation was not found to be satisfactory. Thereupon, the learned Principal Senior Civil Judge, Kothagudem, was appointed as an enquiry officer. The enquiry officer submitted his report on 25.04.2005 in which charges levelled against the petitioner were found to be duly proved.

5. A copy of the enquiry report was supplied to the petitioner and a show cause notice dated 15.07.2005 was issued asking him to show cause as to why the punishment of dismissal from service be not imposed on him. The petitioner submitted a reply in which he pleaded that lesser punishment be imposed as the petitioner is suffering from T.B. and Diabetes and at the fag end of service. However, the

against the petitioner can neither be held to be in violation of the rules nor can the findings recorded by the enquiry officer be said to be perverse based on the evidence.

10. The gravamen of the charges levelled against the petitioner pertains to breach of trust and utilization of public money for personal use. Therefore, penalty of dismissal from service cannot be said to be excessive or disproportionate to the misconduct committed by the petitioner.

11. For the aforementioned reasons, we do not find any merit in the Writ Petition.

12. The Writ Petition fails and is hereby dismissed.

Miscellaneous applications, if any pending, shall stand closed. There shall be no order as to costs.

SD/- N.CHANDRA SEKHAR RAO
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

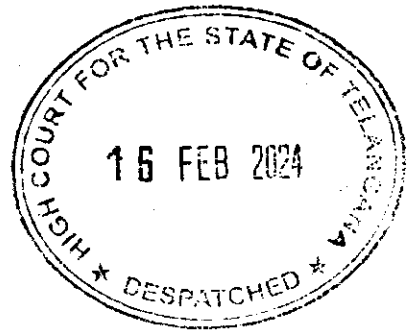
1. One CC to Sri Srinivasa Rao Madiraju, Advocate [OPUC]
2. One CC to Sri Bathula Raj Kiran (SC for TSH C) [OPUC]
3. Two CD Copies

TJ
GJ

g

HIGH COURT

DATED:22/01/2024



ORDER

WP.No.15586 of 2009

**DISMISSING THE WRIT PETITION
WITHOUT COSTS.**

5 Copies
Sm
9/2/24

disciplinary authority by taking into account the gravity of the charges levelled against the petitioner by an order dated 24.06.2006 imposed penalty of dismissal from service.

6. The petitioner thereupon preferred an appeal. The appellate authority by an order dated 31.03.2007 dismissed the appeal. In the aforesaid factual background, this Writ Petition has been filed.

7. Learned counsel for respondent No.2 has supported the order of dismissal passed by the disciplinary authority as well as the order passed by the appellate authority.

8. We have perused the record.

9. Two charge memos were issued to the petitioner. The petitioner in reply to the aforesaid charge memos and in his explanation admitted the charges levelled against him. The petitioner submitted that since the discrepancy in the amount is only to the extent of Rs.300/- to Rs.700/-, lesser punishment be imposed. The charges levelled against the petitioner have been proved by the evidence of P.Ws.1 and 2, who have been examined during the course of the enquiry. The enquiry