

HIGH COURT FOR THE STATE OF TELANGANA : HYDERABAD

MAIN CASE NO: W.P.No.31415 of 2024

PROCEEDING SHEET

SL. NO	DATE	ORDER	OFFICE NOTE
	03.01.2025	<u>NBK,J</u> <u>I.A.No.4 of 2024</u> The review petitioner herein is the respondent No.4 in the writ petition. The writ petition was disposed of with a direction to the 3rd respondent-Director, NIMS to immediately conduct enquiry as per the letter of the 2nd respondent-Additional Secretary dated 05.10.2024 and take appropriate action as per the Rules. The Review petitioner seeks review on the ground that he was not provided with the opportunity of placing actual facts before this Court and that though complaint was given by one Narsing Rao on behalf of the writ petitioner and the said person participated in the preliminary enquiry conducted by Dr.N.Bheerappa, and <i>vide</i> letter dated 29.12.2022 enquiry report was submitted to the Director, NIMS, and in view of completion of enquiry the matter has attained finality, after a lapse of one year eleven months, the writ petitioner/complainant cannot seek fresh enquiry based on an alleged fresh evidence.	

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		Learned counsel for the Review petitioner relies on the judgment of the Hon'ble Supreme Court in Nand Kumar Verma vs. State of Jharkhand¹ submits that there cannot be justification for conducting a second enquiry on the charges on which enquiry was already been conducted. Learned counsel further submits that enquiry has already been conducted by the disciplinary authority against the review petitioner/Dr.K.V.Krishna Reddy, and report was submitted to the Director, NIMS, <i>vide</i> letter dated 29.12.2024 and the review petitioner was exonerated of all the charges, and therefore, conducting fresh enquiry for the very same cause of action/charges is bad in law and therefore the order dated 11.11.2024 may be reviewed. Learned counsel for the review petitioner seeks time to file counter affidavit in the matter. It may be noted that the order dated 11.11.2024 under review was passed considering the limited nature of relief sought, which is with regard to directing the 3rd respondent-Director, NIMS, to initiate action on the letter dated 05.10.2024 of the 2nd respondent-Additional Secretary, Health,	

¹ (2012)3 SCC 580

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		Medical and Family Welfare Department. Considering the submission that the review petitioner has not got the opportunity to file counter affidavit in the writ petition and place actual facts on record, this Court is inclined to allow the review petition and recall the order dated 11.11.2024 passed in the writ petition for the present, and restore the writ petition to the file. Accordingly this review application is ordered. <u>NBK,J</u> <u>W.P.No.31415 of 2024</u> List on 31.01.2025 for filing counter affidavit by respondent No.4. b/o. Smk	