

THE HON'BLE SRI JUSTICE D.RAMESH

WRIT PETITION No. 3750 of 2023

ORDER:

The Writ Petition is filed under Article 226 of the Constitution of India seeking to declare the action of the respondents 1 and 2 in issuing major punishment of withholding of three (3) increments with cumulative effect with effect on pension vide in Proc.Rc.No.34219/2013/A&DC-3, dated 14.6.2020 by the 2nd respondent and the rejection orders passed in the appeal filed by the petitioner vide Memo.No.253/Sec.IV/A1/2021 of EF&T (Sec.IV) Department dated 23.5.2022 issued by the 1st respondent is against the provisions of the Andhra Pradesh Civil Services (CC&A) Rules, and set aside the same consequently direct the respondents to release all the consequential benefits and pass such other order or orders as the Court may deem fit and proper.

2. Heard learned counsel for the petitioner and learned Assistant Government Pleader appearing for respondents.

3. The petitioner is one of the charge officer. Basing on the charges, the respondents have conducted enquiry and submitted a report. Even according to the enquiry report, the charge against the petitioner is only for negligence of supervisory aspects. In fact

the allegations are against Beat Officer and Deputy Range Officer. Further as per the enquiry report, the amount which was not distributed and equivalent to Rs.1,48,800/-, was repaid to the State. Without considering the same, the respondents have passed the orders imposing punishment of stoppage of three (3) increments with cumulative effect. As against the same, the petitioner has made an appeal to the 1st respondent on 24.10.2022.

4. Learned counsel for the petitioner has submitted that in the said appeal, the petitioner has brought to the notice of the authority about repayment of the amount to the State and also there are no specific allegations and involvement of the petitioner. Further the petitioner has raised thirty grounds and none of the ground was considered by the appellate authority and rejected the appeal without reasoned order. Hence the Writ Petition.

5. 4th respondent has filed counter in which he stated that the petitioner has not specified the lapses that occurred during the enquiry and also did not point out the instances where the CCA rules are not followed and requested to dismiss the Writ Petition.

6. Considering the circumstances and on perusal of the impugned order dated 23.5.2022 and also the appeal filed by the

petitioner dated 24.10.2022 in which the petitioner has raised 30 grounds assailing the impugned order dated 23.5.2022. First respondent has not considered any of the ground and not passed reasoned order.

7. In view of the same, the impugned proceedings dated 23.5.2022 of the 1st respondent are set aside and remanding the matter to the 1st respondent with a direction to consider the appeal filed by the petitioner and pass reasoned order by considering all the grounds raised by the petitioner within a period of two (02) months.

8. Accordingly, the Writ Petition is disposed of. No costs.

As a sequel miscellaneous applications, pending, if any, shall also stand closed.

Date: 11.7.2023
RD

JUSTICE D.RAMESH

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Dated 11.7.2023

RD