

[3301]

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

**THURSDAY, THE TWENTY NINTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY FOUR**

PRESENT

THE HONOURABLE SRI JUSTICE PULLA KARTHIK

WRIT PETITION NO: 4660 OF 2024

Between:

G. Adi Babu, S/o Govinda Rao, Age 56 years, Occ Physical Director Grade I, TSWRS/JC, Chilkuru, Ranga Reddy District, R/o H.No. 17-181, Fortune Butterfly City, Kadthal, Ranga Reddy District.

AND

...PETITIONER

1. The State of Telangana, rep. by its Principal Secretary, Social Welfare Department, Secretariat Building, Hyderabad.
2. Telangana Social Welfare Residential, Institutions Society (Regd) Rep. by its Secretary, Masab Tank, Telugu Samsheka Bhavan, Hyderabad.
3. The Principal, T.S. W.R.S./J.C., Chilkur, Ranga Reddy District

...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 Mandamus declaring the action of the Respondent No. 1 for not disposed of the appeal Dated 21/1/2015 though common enquiry was being conducted against the In-charge Principal and Seventeen (17) Teaching Staff of the Dr. BRACSWR/JC, Hathnoora, Medak District vide Proceedings Lr. Rc. No. Rc.No. Z-VI/29912, Dated 30/08/2013 on common charges that not present during the assembly by 7.40 AM on 24/09/2012 to the institution and the disciplinary authority imposed punishment of withholding Two (2) Annual Grade Increments with cumulative effect to all the 17 teachers and In-charge Principal in the appeal the imposed punishment was set-aside to all the 16 Teachers and In-charge Principal except the petitioners case and the disciplinary authority imposed punishment of two (2) Annual Grade increments to the petitioner vide Rc. No. Z-

VI/29912/2012, Dated 03/11/2014 and the petitioner submitted appeal on 21/01/2015 to the appellate authority the same was not disposed till the date is illegal, arbitrary unjust and procedurally and substantively ultra-virus and the same is volatile of fundamental rights guaranteed under Article 14,16 and 21 of the Constitution of India and violation of principles of natural justice and consequently direct the 1st respondent to set-aside the imposed punishment Proceedings in Rc. No. Zone -VI/29912/2012, Dated 3/11/2014.

IA NO: 1 OF 2024

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the operation of the 2nd Respondent Proceeding No. Rc. No. Zone - VI/29912/2012, Dated 3/11/2014 and consequently direct the 1st Respondent to dispose the appeal submitted by the petitioner pending disposal of the Writ Petition.

Counsel for the Petitioner: SRI M.KRUPAKAR

Counsel for the Respondent No.1: GP FOR SERVICES-II

**Counsel for the Respondent No.2 & 3: SRI S.BHOOPAL REDDY,
SC FOR TSWRS**

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE PULLA KARTHIK

WRIT PETITION No.4660 OF 2024

O R D E R:

This Writ Petition is filed under Article 226 of Constitution of India seeking the following relief:

"...to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondent No.1 for not disposed of the appeal, dated 21/1/2015 though common enquiry was being conducted against the In-charge Principal and Seventeen (17) Teaching Staff of the Dr.BRACSWR/JC, Hathnoora, Medak District vide Proceedings Lr.Rc.No.Z-VI/29912, dated 30/08/2013 on common charges that not present during the assembly by 7:40 AM on 24/09/2012 to the institution and the disciplinary authority imposed punishment of withholding Two Annual Grade Increments with cumulative effect to all the 17 teachers and In-charge Principal in the appeal the imposed punishment was set-aside to all the 16 Teachers and In-charge Principal except the petitioners case and the disciplinary authority imposed punishment of two Annual Grade increments to the petitioner vide Rc.No.Z-VI/29912/2012, dated 03/11/2014 and the petitioner submitted appeal on 21/01/2015 to the appellate authority the same was not disposed till the date is illegal, arbitrary, unjust and procedurally and substantively ultra-virus and the same is volatile of fundamental rights guaranteed under Article 14, 16 and 21 of the Constitution of India and violation of principles of natural justice and consequently direct the 1st respondent to set-aside the imposed punishment Proceedings in R.c.No.Zone-VI/29912/2012, dated 3/11/2014 and pass..."

2. Heard Sri M.Krupakar, learned counsel appearing on behalf of the petitioner; learned Government Pleader for Services – II appearing on behalf of respondent No.1 and Sri S.Bhoopal Reddy, learned Standing Counsel appearing on behalf of respondent Nos.2 and 3.

3. Learned counsel for the petitioner submits that while the petitioner was discharging his duties as Physical Director in Dr.BRACSWR/JC, Hatnoora, Medak District, the Zonal Officer of Zone-VI, APSWREI Society, has conducted a surprise visit on 24.09.2012 and submitted his report to the Secretary, APSWREI Society *vide* proceedings Rc.No.ZO-VI/538/2012, dated 25.09.2012, wherein it was mentioned that the In-charge Principal and other seventeen teaching staff were found being late to the Assembly. Learned counsel further submits that common charges were framed against the In-charge Principal and other seventeen teaching staff including the petitioner herein *vide* Rc.No.Z-VI/29912/2012-11, dated 05.10.2012. Since common charges are levelled against all the eighteen teaching staff, common enquiry was conducted and report, dated 30.08.2013 *vide* Lr.Rc.No.Z-VI/29912/2012, was submitted to respondent No.2. Basing

on the enquiry report, dated 30.08.2013, the disciplinary authority i.e., respondent No.2 has imposed punishment of withholding of two (02) annual grade increment with cumulative effect *vide* proceedings Zone-VI/29912/2012, dated 03.11.2014 against the petitioner. Learned counsel further submits that the enquiry was conducted in violation of CCCA Rules and the petitioner was not given any opportunity to defend his case. Therefore, the petitioner has filed an appeal, dated 21.01.2015 before respondent No.1 with a request to set aside the impugned proceedings, dated 03.11.2014 and the same is pending consideration. Hence, learned counsel prayed this Court to direct respondent No.1 to consider the appeal of the petitioner, dated 21.01.2015 and pass appropriate orders.

4. Learned Government Pleader appearing on behalf of respondent No.1 submits that respondent No.1 will consider the appeal of the petitioner, dated 21.01.2015 and pass appropriate orders.

5. Having regard to the submission made by learned counsel for the respective parties, without going into the

merits of the case, this Writ Petition is disposed of with a direction to respondent No.1 to consider the appeal of the petitioner, dated 21.01.2015 and pass appropriate orders, in accordance with law, as expeditiously as possible, preferably within a period of four (04) weeks from the date of receipt of a copy of this order and communicate a copy thereof to the petitioner.

Miscellaneous petitions pending, if any, shall stand closed.

SD/- P. PADMANABHA REDDY
ASSISTANT REGISTRAR
//TRUE COPY//

Z-
for SECTION OFFICER

To,

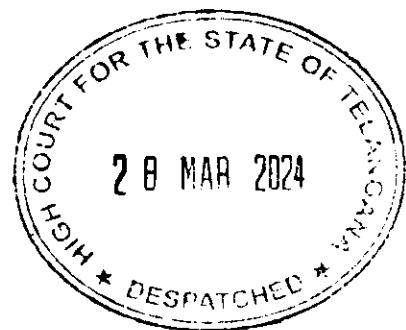
1. The Principal Secretary, Social Welfare Department, Secretariat Building, Hyderabad, State of Telangana.
2. The Secretary, Telangana Social Welfare Residential, Institutions Society (Regd), Masab Tank, Telugu Samsheka Bhavan, Hyderabad.
3. The Principal, T.S. W.R.S. Chilkur, Ranga Reddy District
4. One CC to SRI M.KRUPAKAR, Advocate [OPUC]
5. One CC to SRI S.BHOOPAL REDDY, SC FOR TSWRS [OPUC]
6. Two CCs to GP FOR SERVICES-II, High Court for the State of Telangana at Hyderabad [OUT]
7. Two CD Copies

BSR
GJP



HIGH COURT

DATED: 29/02/2024



ORDER

WP.No.4660 of 2024

DISPOSING OF THE WRIT PETITION,
WITHOUT COSTS

(10)
MBC
28/2/24