
(2022) 03 TEL CK 0091
In the Telangana High Court
Case No : Writ Appeal No. 206 Of 2022

A. Nageswara Rao

APPELLANT

Vs

State Of Telangana And 4 Others

RESPONDENT

Date of Decision : 31-03-2022

Acts Referred:

Andhra Pradesh Civil Services (Conduct) Rules, 1964 — Rule 3, 6

Citation : (2022) 03 TEL CK 0091

Hon'ble Judges : Satish Chandra Sharma, CJ; Abhinand Kumar Shavili, J

Bench : Division Bench

Advocate : R Sujana Kuma

Final Decision : Dismissed

Judgement

The present writ appeal is arising out of an order dated 16.02.2021 passed by the learned Single Judge in W.P.No.3527 of 2021.

The facts of the case reveal that the appellant/writ petitioner was serving as a police constable and he received illegal gratification from stipendiary police constables, thus violating Rules 3 and 6 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964. He was placed under suspension on 05.03.1999. A charge sheet was issued and thereafter, a detailed and an exhaustive enquiry took place in the matter and finally an order was passed on 07.08.1999 inflicting the punishment of removal from service. The appeal preferred by the appellant/writ petitioner was dismissed by an order dated 19.11.1999. Thereafter, a revision petition was preferred and the same was dismissed on 18.04.2000. He also preferred a mercy petition, which was dismissed on 15.07.2000, and thereafter, he came up before this Court only in the year 2021, meaning thereby, after the delay of about 17 years. The learned Single Judge has dismissed the writ petition on the ground of delay and laches as well as on merits.

The learned Single Judge has placed reliance on the judgments delivered in the cases of S.S.Rathod v. State of Madhya Pradesh AIR 1990 SC 10 : (1989) 4 SCC

582, Shankara Coop. Housing Society Ltd. v. M.Prabhakar and others 2011 (4) ALD 112 (SC) and City Industrial Development Corporation v. Dosu Aardeshir Bhiwandiwalla and others 2009 (1) ALD 24 (SC) : AIR 2009 SC 571.

This Court has carefully gone through the order passed by the learned Single Judge. It is nobody's case that the respondents have violated the procedure prescribed for conducting the departmental enquiry. The principles of natural justice and fair play have also been followed and it was an open and shut case where the charge of receiving illegal gratification has been proved. Before this Court, it has been argued that the appellant/writ petitioner has taken hand loan from the constables working under him. It is not a case where the loan was taken from one person. In fact, the appellant/writ petitioner collected the amount from large number of stipendiary police constables.

Learned counsel for the appellant/writ petitioner has argued before this Court that the amount of Rs.2,100/- is a meagre amount and by no stretch of imagination the punishment of removal could have been inflicted upon the appellant/writ petitioner.

In the considered opinion of this Court, the charge of receiving illegal gratification itself is a very serious charge and the only punishment which can be awarded for such cases is dismissal or removal from service. Therefore, in the considered opinion of this Court, as no procedural irregularity has been pointed out in the departmental enquiry and the appellant/writ petitioner has approached this Court after lapse of about 17 years, the question of interference with the order passed by the learned Single Judge does not arise.

The writ appeal is accordingly dismissed.

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