

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(Special Original Jurisdiction)

THURSDAY, THE TWENTY NINTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY TWO

: PRESENT:

THE HONOURABLE SRI JUSTICE GANNAMANENI RAMAKRISHNA PRASAD
WRIT PETITION NO: 19036 OF 2022

Between:

Shaik Moula Saheb, S/o. Late Khader Saheb Age. 59 Years, Presently working as Junior Asst., At Rayachoti Municipality, R/o. John Puram, Rajam Pet Annamayya District, (Cuddapah)

Petitioner

AND

1. The Special Chief Secretary to The Government of AP, MA & UD (Vigilance-III) Department 2nd building, Ground floor Secretariat Buildings, Velagapudi, Amaravati, Andhra Pradesh.
2. Commissioner and Director of Municipal Administration Department, Vaddeswaram, Mangalagiri, Guntur District, Andhra Pradesh.
3. The Regional Joint Director of Municipal Administration Ananthapuram, Ananthapuram District, Andhra Pradesh.
4. The Municipal Commissioner Rajampet Municipality, Cuddapah District.
5. Member, Commissionerate of Inquiries, General Administration (COI-RPT) Department. Room No.267, 1st floor, Building No.5, Secretariate, Velagapudi, Guntur.

... 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 or Order more in the nature of Mandamus in declaring the action of the respondents in closing the departmental enquiry against the petitioner on the same charges in criminal case as illegal, arbitrary, unjust, violative of principles of natural justice, in breach of Rule 20 of the CCA Rules, and consequentially direct the respondents not to proceed pass final orders with the departmental enquiry against the petitioner arising out of the charge memo G.O.Rt.No.485 MA and UD (VIG.II) Department dated 11.04.2014 and which is now before the Commissioner Of Enquiries numbered as the Notice No.120/COI.RPT/2021, till the conclusion of the Trial CC No.22/2016 pending Trial before the Honourable Judicial Magistrate of First Class, Rajampet.

IA NO: 1 OF 2022

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 STAY all further proceedings in the departmental enquiry against the petitioner arising out of the charge Memo GO.Rt.No.486 MA and UD (VIG.II) Department dated.11.04.2014 which now before the Commissioner Of Enquiries numbered as the Notice No.120/COI.RPT/2021, till the conclusion of the trial CC No.22/2016 pending Trial before the Honourable Judicial Magistrate of First Class. Rajampet, pending disposal of WP No. 19036 of 2022, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and the earlier order of the High Court dated 05.07.2022, 30.08.2022 and 29-09-2022 made herein and upon hearing the arguments of SRI. K. R. SRINIVAS, Advocate for the Petitioner and G.P. FOR MA& UD for Respondent Nos. 1 to 3 and SRI. N. RANGA REDDY, SC for Respondent No.4 and of G.P. FOR GAD for Respondent No.5, the Court made the following.

ORDER:

“Let Counter Affidavit be filed within two weeks. One week thereafter for filing Rejoinder, if any.

2. List the matter on 01.02.2023.

3. Interim direction granted earlier is extended till then”.

Sd/- B. PRASADA RAO
ASSISTANT REGISTRAR

//TRUE COPY//

Foi

SECTION OFFICER

To,

1. One CC to Sri.N.Ranga Reddy, Standing Counsel [OPUC]
2. One CC to SRI.K.R.SRINIVAS Advocate [OPUC]
3. Two CCs to GP for General Administration, High Court Of Andhra Pradesh. [OUT]
4. Two CCs to GP for Municipal Administration & Urban Development, High Court Of Andhra Pradesh. [OUT]
5. One spare copy

HIGH COURT

GRKP,J

DATED:29.12.2022

LIST THE MATTER ON 01.02.2023

WP.No.19036 of 2022

INTERIM ORDER GRANTED EARLIER IS EXTENDED

