

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)



FRIDAY, THE FOURTH DAY OF AUGUST
TWO THOUSAND AND TWENTY THREE

:PRESENT:

THE HONOURABLE SMT JUSTICE V.SUJATHA

WRIT PETITION NO: 19575 OF 2023

Between:

C Venkateswarlu, S/o V.Subbaiah, Aged about 52 years, Assistant Engineer (Technical), DPE, Division, Kurnool, O/o Superintendent Engineer, Operation (Circle) APSPDCL, Kurnool, Kurnool District.

...Petitioner

AND

1. A P Southern Power Distribution Company Limited, represented by Chief General Manager (HRD), Tirupathi, Tirupathi District.
2. The Superintendent Engineer (Operation), APSPDCL Kurnool, Kurnool District.
3. The Chairman and Managing Director APSPDCL, Thirupathi, Tirupathi 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 particularly one in the nature of Writ of Mandamus, directing the respondents not to proceed the charge memo No. CGM/HRD/JS/HR/GM/HR-1/DGM(DC) /PO(DC)/J1/ F.231-KNL(ACB/D.No.586/23, dt.16.06.2023, which was communicated on 03.07.2023 till the criminal case in CC.No.13/2023 is concluded and consequently, hold of action of respondents in insisting the petitioner to participate in the departmental enquiry as violation of articles 14, 16, 21 of the Constitution of India and;

IA NO: 1 OF 2023

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 suspend the charge memo No. CGM/HRD/JS/HR/GM/HR-1/DGM(DC)/PO(DC)/J1/ F.231-KNL (ACB/D.No.586/23, dt.16.06.2023, pending disposal of WP 19575 of 2023, 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 upon hearing the arguments of Sri C Srinivasa Baba, Advocate for the Petitioner and of Sri V.R. Reddy Kovvuri, Standing Counsel for Respondents, the Court made the following

ORDER:

"Heard both sides.

Learned counsel for the petitioner would submit that in similar circumstances, this Court granted an interim order dated 05.07.2023 in

W.P.No.15603 of 2023 and requested to pass a similar order in this writ petition also.

The interim order dated 05.07.2023 passed in W.P.No.15603 of 2023 is as follows:

"Learned counsel for the petitioner has contended that while pending the criminal proceedings, on the very same charges, the respondents have issued the memorandum of charges dated 12.4.2023 and they are proceeding with the enquiry contrary to the orders passed by the Hon'ble Apex Court in CAPT.M.Pal Anthony Vs. Bharat Gold Mines Limited and Another¹.

The respondents have placed the written instructions and relying on the judgment of the Hon'ble Apex Court in Karnataka Power Transmission Corporation Limited vs. C.Nagaraju and Others². Though they have discussed about the CAPT.M.Pal Anthony case, they have not differed the ratio decided in the above said judgment.

In view of the same, there shall be stay of all further proceedings pursuant to the charge memo dated 12.4.2023."

Hence, in view of the aforesaid order, this Court is inclined to pass a similar order in this writ petition also.

Therefore, there shall be stay of all further proceedings pursuant to the charge memo dated 16.06.2023.

Print the name of Mr.V.R.Reddy Kovvuri, learned Standing Counsel for APSPDCL.

At his request, for filing counter, post the matter after two (2) weeks.

Sd/- S. SRINIVASA PRASAD
ASSISTANT REGISTRAR

//TRUE COPY//

For

SECTION OFFICER

To,

1. The Chief General Manager (HRD), A P Southern Power Distribution Company Limited, Tirupathi, Tirupati District.
2. The Superintendent Engineer (Operation), APSPDCL Kurnool, Kurnool District.
3. The Chairman and Managing Director APSPDCL, Thirupati, Tirupati District (1 to 3 by RPAD)
4. One CC to Sri. C Srinivasa Baba, Advocate [OPUC]
5. One CC to Sri V.R. Reddy Kovvuri, Standing Counsel [OPUC]
6. One spare copy.

MSB

¹ (1999) 3 SCC 679

² (2019) 10 SCC 367

HIGH COURT

VS,J

DATED:04/08/2023

ORDER

POST THE MATTER AFTER TWO (2) WEEKS.

WP.No.19575 of 2023

INTERIM STAY

