

[3377]

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

TUESDAY, THE TWENTY SEVENTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY TWO

:PRESENT:

THE HONOURABLE SRI JUSTICE A V SESA SAI

AND

THE HONOURABLE JUSTICE DR V R K KRUPA SAGAR

WRIT APPEAL NO: 954 OF 2022



(Writ Appeal under Clause 15 of the Letters Patent, is filed aggrieved by the order passed in W.P.No. 19655 of 2011, dt. 25.08.2022 on the file of this Hon'ble High Court)

Between:

R.Subba Rao, S/o Sri R. Ligaiah, Aged about 70 years, Occ. Retd. Employee, Permanent R/O. D.No. 4-5-5/9, 2nd Lane, Navabharat Nagar, Ring Road, Guntur- 522 006

Appellant**AND**

1. The Chief Vigilance Officer, The Cotton Corporation of India Limited, A Government of India undertaking, Kapas Bhavan, Plot No. 3A, Post Box No. 60, Sector-10, CBD Belapur, Navi Mumbai- 400 614.
2. The Branch Manager and Disciplinary Authority, The Cotton Corporation of India Limited, Branch Office. GMR Towers, 1st Floor, Cinema Road, Adilabad- 504-001.
3. The Enquiry Officer, C/o. The Cotton Corporation of India, Branch Office, 11-25-32, 2nd Floor, Vasavi Colony Road, P.B. No.9, Warangal- 506 002, R/O. plot No. 10, Ramakrishna Towers, Sanjeeva Nilayam, 1st Lane, Vidyanagar, Guntur- 522 007.

Respondents**I.A.No. 1 of 2022 :-**

Petition under Section 151 of C.P.C., is filed praying that in the circumstances stated in the affidavit filed in W.A.954 of 2022, the High Court may be pleased to suspend the order dated 25.08.2022 in W.P.No.19655 of 2011 passed by learned single judge, pending disposal of W.A.No.954 of 2022 on the file of the High Court

The Appeal coming on for hearing, upon perusing the Appeal and the affidavit filed in support thereof and upon hearing the arguments of M/S PILLIX LAW FIRM Advocate for the Petitioner, Sri Mannam Venkata Krishna Rao, Counsel for the Respondents and the Court made the following

ORDER

"It is submitted by the learned counsel for the appellant that the criminal prosecution was initiated against the writ petitioner-appellant herein as long back as in the year 2006 and the said criminal prosecution is pending before Court of the learned Special Judge, CBI Court, Visakhapatnam. It is further submitted by the learned counsel that in the year 2011, the respondent-authorities initiated departmental enquiry and questioning the same, the present W.P.No. 19655 of 2011 came to be instituted and the learned Single Judge of this Court stayed the departmental proceedings on 16.09.2011 and the said interim order was in existence pending Writ Petition. It is further submitted by the learned counsel that the charges framed against the Writ Petitioner/Appellant herein, both in the departmental proceedings and the criminal prosecution are similar and the witnesses are also the same, as such, the learned Single Judge ought not to have permitted the respondent-authorities to proceed with the departmental proceedings pending criminal proceedings initiated as long back as in the year 2006. The issues raised by the learned counsel for the appellant require consideration.

In view of the above, there shall be interim suspension of the order dated 25.08.2022 in W.P.No.19655 of 2011 passed by the learned Single Judge, till 15th February, 2023.

Post the matter on 07.02.2023."

SD/-M.PRABHAKAR RAO
ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To,

1. The Chief Vigilance Officer, The Cotton Corporation of India Limited, A Government of India undertaking, Kapas Bhavan, Plot No. 3A, Post Box No. 60, Sector-10, CBD Belapur, Navi Mumbai- 400 614.
2. The Branch Manager and Disciplinary Authority, The Cotton Corporation of India Limited, Branch Office. GMR Towers, 1st Floor, Cinema Road, Adilabad- 504-001.
3. The Enquiry Officer, C/o. The Cotton Corporation of India, Branch Office, 11-25-32, 2nd Floor, Vasavi Colony Road, P.B. No.9, Warangal- 506 002, R/O. plot No. 10, Ramakrishna Towers, Sanjeeva Nilayam, 1st Lane, Vidyanagar, Guntur- 522 007. (1 to 3 by RPAD)
4. One CC to M/S PILLIX LAW FIRM Advocate [OPUC]
5. One CC to Sri. Mannam Venkata Krishna Rao , Counsel [OPUC]
6. Two spare copies

HIGH COURT

AVSSJ & DR VRKKSJ

DATED:27/12/2022

POST THE MATTER ON 07.02.2023

ORDER

WA.No.954 of 2022

DIRECTION

