

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No.10493/2001

(From the judgement and order dated 29/12/2000 in WP 22855/95  
of The HIGH COURT OF A.P AT HYDERABAD)

P. RAJIAH

Petitioner (s)

VERSUS

GOVERNMENT OF A.P. & ANR.

Respondent (s)

Date : 04/02/2002 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.B. PATTANAIAK  
HON'BLE MR. JUSTICE BRIJESH KUMAR

For Petitioner (s) Mr. H S Gururaja Rao, Sr. Adv.  
Mr. Y. Prabhakara Rao,Adv.

For Respondent (s) Mr. T.V. Ratnam,Adv.  
Mr. K Subba Rao, Adv.

Mr. K. Ram Kumar,Adv.

UPON hearing counsel the Court made the following  
O R D E R

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.SP2

The special leave petition is dismissed in  
terms of the signed order.

.SP1

(Janki Bhatia)  
Court Master

(Kanchan Jain)  
AR-cum-PS

Signed order is placed on the file.

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IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

R. Rajaiah

....Petitioner

VS.

Govt. of Andhra Pradesh & Anr.

....Respondents

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The only grievance of the petitioner, who has been inflicted with a punishment of dismissal from service on the basis of a spate of charges being enquired into and the charges on being established, is that the procedure contemplated under Rule 20 of the Civil Services (Classification, Control and Appeal) Rules 1991 has not been followed, inasmuch as the appointment of the Enquiry Officer was made before filing of the defence of the delinquent and application of mind of Disciplinary Authority as to whether an enquiry would at all be conducted or not. From the materials on record, it no-doubt transpires that the Disciplinary Authority, namely, the Court appointed the Enquiry Officer without applying its mind to the reply of the delinquent employee and undoubtedly, therefore, there has been a procedural ...2/-

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irregularity so far as compliance of Rule 20 of the Amended Rules of CCA is concerned. But the question, that arises for consideration is whether that by itself would vitiate the entire proceedings including the findings arrived at, particularly, when the delinquent had never raised these objections at any stage of the proceedings. Appointment of an Enquiry Officer before considering the reply of the delinquent may raise a cause of bias which the delinquent could appropriately challenge when the Enquiry Officer is appointed. But Enquiry Officer having been appointed and evidence having been led, the delinquent having participated in that Enquiry and no objection having been raised either before the Enquiry Officer or in the show cause that was filed in the Court, the findings of the Enquiry Officer and the action taken thereof cannot be held to be vitiated for non-compliance of the aforesaid procedural irregularity. As it appears, out of the nine charges levelled against the delinquent -petitioner, three of the charges were held to be proved. The sixth charge was held to be partially proved and three others were held not to be proved. One of the charges, namely, charge No. eight was held to be ...3/-

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suspicious. On the basis of the finding of the Enquiry Officer, the Disciplinary Authority, which is the Full Court in the present case, issued show cause notice and then on receipt of the reply of the delinquent took the final decision of termination of service, which was ultimately accepted by the State Government and final orders have been passed. On a writ petition being filed, the writ petition also stood dismissed by the Division Bench of the High Court. We, therefore, do not see any infirmity with the impugned judgment nor are we in a position to hold that the entire proceedings can be held to be vitiated for non-compliance of the aforesaid procedural irregularity.

The special leave petition is, therefore, dismissed.

.SP1

.....J.  
(G. B. PATTANAİK)

.....J.  
(BRIJESH KUMAR)

New Delhi  
February 4, 2002.