

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS
CIVIL APPEAL NO(s). 6489 OF 2005

DR. B. MADHUSUDHAN REDDY

Appellant (s)

VERSUS

PEELA POTHINAIDU & ORS.

Respondent(s)

(With office report)

WITH

Civil Appeal Nos. 6486-6487 of 2005

(With office report)

Date: 30/10/2013 These Appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.M. LODHA

HON'BLE MR. JUSTICE KURIAN JOSEPH

For Appellant(s) Mr. P.Vinay Kumar, Adv. (not present)

For Respondent(s)

Mr. Koka Raghava Rao, Sr. Adv.

Mr. G.N.Reddy, Adv.

Mr. Debojit Borkakati, Adv.

Mr. Bala Shivudu M., Adv.

Mr. Guntur Prabhakar, Adv.

UPON hearing counsel the Court made the following

O R D E R

A counter-affidavit has been filed by the Government of Andhra Pradesh through its Principal Secretary, Irrigation & CAD Department. The affidavit states that disciplinary action was initiated against as many as 21 government employees besides one Sub-Judge, one Government Pleader and five judicial staff of whom 6 have been accorded punishment already. The present status of disciplinary action against government employees involved in Yeleru Scam and against whom the disciplinary action has not yet attained finality, are set-out as follows:

Sl.No	Name & Designation of Officer	Stage of the disciplinary Case
1.	Sri V.Sarma Rao., IAS., (Retd) formerly Commissioner, Social welfare	Disciplinary proceedings initiated against the Member of Service by framing charges under AIS (D&A) Rules 1969, vide G.O.Rt.No.1242, G.A. (SC.D) Dept., dt: 30.03.2000 for the irregularities committed by him, while working as Commissioner of Social Welfare A.P., Hyderabad. Enquiry conducted, Government after due procedures decide to impose a penalty of "50% cut in pension and gratuity" against the

		members of service. According proposals were submitted to Government of India vide Lr.No.72/Sc.D/A3/1998-53, dt:21.05.2010. Orders of the Govt., of India are awaited.
2.	Sri K.Sukhender Reddy, IAS., formerly J.S to Govt., I&CAD Department.	Departmental action was initiated against the officials of I & CAD Department. After examining the WSDs of the A.Os the charges were entrusted to the inquiring Authority (COI) to conduct common enquiry. Sri K. Sukkhendar Reddy, IAS (Retd.) filed O.A. No.1010/2000 before the CAT, Hyderabad Bench, challenging the disciplinary proceedings. In its orders dt.10.08.2001, the CAT has disposed the O.A. quashing the charge Memo issued to Sri K. Sukhendar Reddy, IAS (Retd.) vide G.O. Rt. No.1238, G.A.(SC.D) Department dt. 30.03.2000. Government after careful examination filed W.P.No.19111/2001 against the CAT's orders. The Hon'ble High Court in its orders dt.18.09.2001 granted interim suspension of the CAT's order. The High Court in its further orders in W.P.M.P No.24044/2001 and W.P.M.P. No. 3257/2001 in W.P. No.19111/2001 dated.20.12.2001 directed the State Government not to proceed with the enquiry against the respondent, pending further orders. The chairman COI has been informed accordingly
3.	Sri D.Parthasarathy, (retd) formerly Asst.Secy to Govt., I&CAD Department.	The report of COI is awaited.
4.	Sri P.Viswswara Rao, formerly, Section Officer, I&CAD Department. Now Asst.Secretary	The report of COI is awaited.
5.	Sri M.Subhan Khan, formerly Asst Section Officer, I&CAD Department	The report of COI is awaited.
6.	Sri N.Seshagri Rao Executive Engineer (Retd) YRC Division, Peddapuram, I&CAD Department	He was arrested and suspended while working as a Executive Engineer, YRC Division, Peddapuram. He was retired in suspension, further he is taking provisional pension of Rs6,167/- in the Department
7.	Smt. Anitha Rajendran, IAS former Revenue Divisional officer, Revenue Dept.,	COI Conducted Enquiry and submitted enquiry report holding that charges framed against the C.O. not held

8.	Sr. B.R.S. Prasad, former Sr.Asst.Revenue Dept.,	proved. Accordingly further action was Dropped. COI Conducted Enquiry and submitted enquiry report holding that charges framed against the C.O. not held proved. Accordingly further action was Dropped.
9.	Smt. M.Leela, former Dy. Tahsildar, Revenue Dept.,	Further action was dropped based on report of CCLA.
10.	Sri A. Krishna Rao, (Retd) former Spl. Tahsildar, Revenue Dept.,	The Collector, Visakhapatnam has reported that the charged officer has not involved in the alleged loss of money and he was discharged from the Criminal case.
11.	Sri B.Ammaji Rao, (retd) former Spl. Tahsildar, Revenue Dept.,	The Collector, Visakhapatnam District has reported that the charged officer has not involved in the alleged loss of money and he was discharged from Criminal case.
12.	Sri. S.Chinnayya Chari, former Tahsildar, Revenue Dept.,	Submitted that, COI submitted enquiry report holding that the charge framed against CO held not proved. The Co has filed O.A.No.5679/2005 and the hon'ble Tribunal directed to pass final orders. The matter was examined and decided to drop further action against the CO.
13.	Sri. P.Surya Rao, former Sr.Asst, Revenue Dept.,	COI submitted report holding that the charge framed against him not proved.
14.	Sri. B.Chandrasekhar Rao, former Sr.Asst. Revenue Dept.,	COI submitted report holding that the charge framed against him not proved.

2. It is seen from the above that as against V. Sarma Rao, IAS (retired), formerly Commissioner, Social Welfare, the State has decided to impose a penalty of 50% cut in pension and gratuity. The proposal to this effect has been submitted to the central government way back on 21.5.2010 but the central government has not issued any order so far.

3. The Chief Secretary, Government of Andhra Pradesh shall send the reminder to the Government of India for expediting the order in respect of the above. We expect the Government of India to do the needful expeditiously.

4. As regards K. Sukhender Reddy, IAS, former J.S. to Government, I&CAD Department, it transpires that the matter is pending before the High Court of Andhra Pradesh in Writ Petition (C) No. 19111 of 2011. Since the matter is pending before the High Court for about 12 years, we request the High Court to expedite the hearing of writ petition (C) No. 19111 of 2001.

5. In respect of D. Parthasarathy, Formerly Assistant Secretary to Government, I&CAD Department, P. Viswswara Rao, formerly Section Officer, I&CAD Department and M. Subhan Khan, Assistant Section Officer, I&CAD Department, the annexure I appended to the affidavit states that with regard to them the report of the COI is awaited. The concerned COI is expected to conclude the inquiry expeditiously.

6. The disciplinary action against Anitha Rajendra, IAS, and B.R.S. Prasad, former Sr. Assistant, Revenue Department have been dropped as in the inquiry, the charges against them were not found to be proved.

7. The action against M. Leela, former Deputy Tahsildar,

Revenue Department has also been dropped on the basis of report of CCLA.

8. The criminal case against A. Krishna Rao, (Retd.), former Special Tahsildar, Revenue Department is closed as he was discharged from that case. So is the case of B. Ammaji Rao (Retd.), former Special Tahsildar, Revenue Department.

9. Further action against S. Chinnayya Chari, Former Tahsildar, Revenue Department has also been dropped as in the inquiry report, the charge was held to be not proved.

10. As regards P. Surya Rao and B. Chandrasekhar Rao, both former Sr. Assistant, Revenue Department, the charges against them have not been proved but no final decision has been taken by the government with regard to them. The state government should take a final call in respect of them without any delay.

11. As regards criminal cases, it appears that the District & Sessions Judge, Visakhapatnam filed 9 complaints in CC Nos. 74-82 of 2000 against 6 of the 15 persons identified by the CID and discharged the other 9 accused. Against the order of discharge, CID preferred Criminal Appeal No. 1769 of 2000 before the High Court of Andhra Pradesh. The 6 accused have also filed separate criminal appeal being Criminal Appeal Nos. 1658 to 1665 of 2000. These criminal appeals are reported to be pending before the High Court of Andhra Pradesh. We request the High Court to hear and decide these criminal appeals at the earliest.

12. Some more criminal appeals arising from the complaints filed by the District & Sessions Judge, Visakhapatnam being Criminal Appeal Nos. 971 of 1999, 587 of 1999 and 907 of 1999 are pending before the High Court of Andhra Pradesh.

13. We request the High Court to hear and decide the above criminal appeals as expeditiously as may be possible and preferably within six months from the date of receipt of copy of this order as the appeals are already pending for about 14 years.

14. The District & Sessions Judge, Visakhapatnam shall expedite the inquiry in CrI.M.P. No.130 of 1998 (which relates to O.P. No. 15 of 1990 on the file of Sub-Judge, Anakapalli) expeditiously.

15. As regards land acquisition matters, it is stated that 782 land acquisition appeals have been filed before the High Court of Andhra Pradesh. Of the 782 acquisition appeals, 121 appeals have been heard and judgment is reserved.

16. The counter-affidavit has been filed by the Government of Andhra Pradesh on 8.7.2013. It may be possible that by this time, the High Court has pronounced the judgment in the 121 land acquisition appeals. If the judgment in those appeals have not been pronounced, we expect that to be pronounced soon. As regards remaining appeals, we request the High Court to bear and decide them as expeditiously as may be possible.

17. Certain special leave petitions are pending before this Court, some at the instance of government and 4 at the instance of the claimants. The Registrar (J-II) of this Court will take appropriate directions from Hon'ble the Chief Justice and if these matters are ripe for hearing, the same may be posted for hearing as per the direction of Hon'ble the Chief Justice.

18. The fresh status report shall be filed by the Government of Andhra Pradesh on 15.1.2014.

19. List both appeals for consideration thereafter.

|(Pardeep Kumar)
|Court Master

|(Saroj Saini)
|Court Master

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