

APHC010482482022



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

[3541]

FRIDAY, THE TWENTY SECOND DAY OF AUGUST
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE R RAGHUNANDAN RAO

THE HONOURABLE SMT JUSTICE SUMATHI JAGADAM

WRIT PETITION No:29466 of 2022

Between:

Kummari Satyanarayana

...PETITIONER

AND

The State Legal Service Authority and Others

...RESPONDENT(S)

Counsel for the Petitioner:

1.K V RAGHU VEER

Counsel for the Respondent(S):

1.S. LAKSHMINARAYANA REDDY (SC FOR APSLSA)

2.S LAKSHMINARAYANA REDDY

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The Court made the following ORDER:

(per Hon'ble Sri Justice R.Raghunandan Rao)

Heard Sri K.V. Raghu Veer, learned counsel representing Sri E.V.V.S. Ravi Kumar, learned counsel appearing for the petitioner and Sri S. Lakshminarayana Reddy, learned Standing Counsel appearing for the 2nd respondent.

2. The petitioner had been appointed as Record Assistant, on 10.07.2000, with the 3rd respondent-Mandal Legal Services Authority, Pathikonda, Kurnool District, and had been working there since then. On account of various complaints received against the petitioner, disciplinary proceedings were initiated against him by way of a show cause notice, with three charges.

3. The 1st charge was that the petitioner had sent false complaints with fake signatures, against the Junior Civil Judge-cum-Chairman, Mandal Legal Services Committee. The second charge was that the petitioner was not punctual in attending the office and was terrorizing the staff by using filthy language and sending fake petitions against the Judicial Officers and staff. The third charge was that the petitioner has demanded a bribe from the Field Officers of State Bank of India, for handing over the award copies of the bank matters settled before the Lok Adalats.

4. The petitioner was given adequate opportunity of hearing in the enquiry. In fact the petitioner has availed of this opportunity by cross-

examining the witnesses, who were produced before the enquiry officer. The enquiry officer, after completion of the enquiry, found the petitioner guilty of charges 1 and 3 while holding that charge No.2 was not proved against the petitioner. The 2nd respondent, upon receipt of the enquiry report, issued a show cause notice to the petitioner to show cause as to why major penalty of removal from service, as provided under Rule 9 (ix) of the A.P. Civil Services (Classification, Control and Appeal) Rules, 1991, should not be imposed. The petitioner filed a detailed response to the show cause notice, on 09.01.2020. After considering this response, the 2nd respondent imposed the major penalty of removal from service on 08.04.2022. Aggrieved by this order of removal, the petitioner has approached this Court by way of the present writ petition.

5. The petitioner contends that the findings of the enquiry officer, regarding Charges 1 and 3, are incorrect and not based upon sufficient proof. The petitioner also contended that the disciplinary authority failed to take note of certain aspects while imposing the major punishment and without considering the objections of the petitioner to the findings in the enquiry report.

6. The background of this charge was, the Mandal Legal Services Committee, Nandyal, while conducting Lok Adalats, would also settle disputes between the State Bank of India and its borrowers. After the settlement had been recorded and an award was passed, the Field Officers, of the concerned Branches, would come and collect the certified copies of the awards from the Mandal Legal Services Committee, Nandyal.

7. The officials of the State Bank of India had given a written complaint, dated 27.03.2014, to the Junior Civil Judge-cum-Chairman, Mandal Legal Services Authority, Pathikonda, against the petitioner, on the ground that the petitioner was demanding money for handing over the Award copies of bank matters settled before the Lok Adalats, conducted by the Mandal Legal Services Committee, in the name of formalities.

8. The persons, who had signed this complaint, as well as some of the Field Officers, were examined as PWs.1 to 6. PWs.1 to 5 had not supported the complaint given by them earlier. However, PW.6 maintained that the said complaint was given because the petitioner was demanding illegal gratification. The petitioner contends that the evidence of one witness, in the light of all the other witnesses, not supporting the prosecution, could not have been relied upon to arrive at a finding of guilty against the petitioner.

10. This Court is of the opinion that the finding given by the enquiry officer, which was also accepted by the disciplinary authority that the petitioner was guilty of this charge, on the basis of the evidence of PW.6, is correct. A perusal of the evidence of PWs.1 to 5 would only show that these witnesses had been vague in their response and their evidence suggests that they were trying to help the petitioner. On the other hand, the evidence of PW.6 is clear and cogent and we do not find any reason to reject the said evidence, much less, on the ground that the other witnesses had not deposed in a similar manner.

11. Charge No.1 is that the petitioner had sent false complaints, with fake signatures, against the then Junior Civil Judge-cum-Chairman, Mandal Legal Services Committee, Pattikonda, who was examined as PW.7. The basis for this complaint was that the handwriting in the complaint was similar to the handwriting of the petitioner in the records available with the Mandal Legal Services Authority. The initial complaint came to be filed in this regard by PW.7, after he had compared the handwriting in the fake complaint and the handwriting of the petitioner in the records available with the authority. Subsequently, the enquiry officer also compared the handwritings in both the sets of papers and arrived at a finding that the handwriting in the fake letters was that of the petitioner. The petitioner contends that such a finding could not have been arrived at without referring the documents to a handwriting expert. This contention of the petitioner was rejected, both by the enquiry officer as well as the disciplinary authority, on the ground that a simple comparison of the handwriting in both sets of documents makes it very clear that it is the handiwork of the petitioner. The contention of the petitioner, that such findings are not permissible, cannot be accepted. Both the enquiry officer, as well as the disciplinary authority, are judges, who are trained in such matters and who have experience in comparing handwriting in the course of their official work.

12. This Court, for the reasons set out above, does not find any reason to differ with the findings given by the enquiry officer, as affirmed by the disciplinary authority in regard to charges 1 and 3.

13. On the question of the punishment to be awarded, this Court is of the opinion that the punishment of removal from service is commensurate with the gravity of the charges, which have been made out, against the petitioner by the enquiry officer. An employee of the Court, who indulges in creating fake complaints against his superior officers and an employee who demands illegal gratification from the officials of banks, is not a person, who can be allowed to continue in service.

14. For the aforesaid reasons, this writ petition is dismissed. There shall be no order as to costs.

As a sequel, pending miscellaneous application, if any, shall stand closed.

R. RAGHUNANDAN RAO, J

SUMATHI JAGADAM, J

Js

HON'BLE SRI JUSTICE R. RAGHUNANDAN RAO
AND
HON'BLE SMT. JUSTICE SUMATHI JAGADAM

W.P.No.29466 of 2022

(per Hon'ble Sri Justice R.Raghunandan Rao)

22nd August, 2024

Js