

APHC010383222021



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

[3328]

THURSDAY ,THE FIFTH DAY OF JUNE
TWO THOUSAND AND TWENTY FIVE

PRESENT

**THE HONOURABLE SRI JUSTICE GANNAMANENI RAMAKRISHNA
PRASAD**

WRIT PETITION NO: 23700 OF 2021

Between:

- 1.P V NAGA SAI, S/O. P.V. RAMA KRISHNA RAO, AGED 44 YEARS, ASSISTANT EXECUTIVE ENGINEER, O/O. EXECUTIVE ENGINEER, PRI DIVISION, VIJAYAWADA, KRISHNA DISTRICT, (PRESENTLY WORKING AS ASSISTANT EXECUTIVE ENGINEER, PR, PIU SUB-DIVISION, VIJAYAWADA, KRISHNA DISTRICT ON OTHER DUTY).

...PETITIONER

AND

- 1.THE EXECUTIVE ENGINEER, PRI DIVISION, PANCHAYAT RAJ DEPARTMENT, VIJAYAWADA, KRISHNA DISTRICT.
- 2.THE SUPERINTENDING ENGINEER, PR CIRCLE, MACHILIPATNAM AT VIJAYAWADA, KRISHNA DISTRICT.
- 3.THE ENGINEERINCHIEF, PANCHAYAT RAJ DEPARTMENT, STATE OF ANDHRA PRADESH, VIJAYAWADA, KRISHNA DISTRICT.
- 4.THE DEPUTY EXECUTIVE ENGINEER, (PR)PANCHAYAT RAJ DEPARTMENT, PIU SUB-DIVISION, VIJAYAWADA, KRISHNA DISTRICT.
- 5.THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY TO GOVERNMENT, PANCHAYAT RAJ AND RURAL DEVELOPMENT DEPARTMENT, SECRETARIAT BUILDING, AMARAVATHI/VELAGAPUDI, GUNTUR DISTRICT.

...RESPONDENT(S):

Counsel for the Petitioner:

- 1.PARTY IN PERSON

Counsel for the Respondent(S):

1.GP FOR SERVICES IV

The Court made the following:

ORDER:

Heard Sri P.V. Naga Sai, Party-in-person and Sri Y.B. Ramesh, learned Assistant Government Pleader for Services-IV.

2. The prayer sought in the present Writ Petition is as under:

“In the circumstances, it is therefore prayed that Hon’ble High Court pleased to issue a Writ, Order or Direction, more particularly one in the nature of a writ of Mandamus under Article 226 of the Constitution of India, declaring the Lr.Rc.No.5/2019/A1 dated 31.12.2020 addressed by the 1st Respondent to the 2nd Respondent and consequential Proceedings No.A1/206/2010 dated 23.01.2021 issued by the 2nd Respondent and further consequential Proceedings in Memo No.Vig.II/167/2019 dated 04.02.2021 issued by the 3rd Respondent as arbitrary, illegal, discriminatory, malafide, erroneous, void, without jurisdiction and unconstitutional violating Articles 14, 16 and 21 of the Constitution of India as well as against principles of natural justice and set aside the same, and also declare the action of the Respondents in not paying the salary to the Petitioner from 01.01.2021 till 08.04.2021 is equally arbitrary, illegal, malafide, discriminatory and unconstitutional violating Articles 14, 16 and 21 of the Constitution of India and issue consequential direction directing the Respondents to forthwith allow and retain the Petitioner as Assistant Executive Engineer in the office of the Executive Engineer, PRI Division, Vijayawada, Krishna District as per the transfer orders issued by the 3rd Respondent by Proceedings No.Ser-II/Transfers-S.Os./2019-189 dated 12.07.2019 and further direct the Respondents to forthwith pay the salary to the Petitioner from 01.01.2021 till 08.04.2021 and pass such other order or orders are deemed fit and proper in the facts and circumstances of the case.”

Submissions of Writ Petitioner:-

3. It is submitted by the Petitioner-in-person that he was initially appointed as Assistant Executive Engineer in Panchayat Raj Department on 08.08.2013; that after working at various places in Zone-II, he has been posted as Assistant Executive Engineer, PIU Sub-Division, Movva, Krishna District; that the Engineer-in-Chief (Respondent No.3) has transferred the Writ Petitioner on 12.07.2019 and posted him as Assistant Executive Engineer in the Office of the Executive Engineer, PRI Division, Vijayawada; that the Writ Petitioner had joined the Office of the Executive Engineer, PRI Division, Vijayawada on 15.07.2019; that while he was working as Assistant Executive Engineer, the Engineer-in-Chief (Respondent No.3) had issued a Charge Memo on 15.11.2019 (Ex.P.4) indicating that an enquiry has been proposed to be held against the Writ Petitioner and that the article of charge framed against the Writ Petitioner is that the Vigilance and Enforcement Department, in their Report dated 28.05.2019 had stated to the effect that the Writ Petitioner has been making false complaints and false allegation against his higher Officers to settle personal scores(Ex.P.5); that the said Charge Memo has been issued on the alleged violation of Sub Rule-3 of Rule 3 and Sub Rule-3 of Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964; that thereafter, after the conclusion of the Departmental Proceedings, the Writ Petitioner was given a '*warning*' *vide* Proceeding dated 19.01.2021 not to repeat such things in the future and to be more careful in the future (Ex.P.7).

4. It is further submitted by the Petitioner-in-person in para 7 of the Affidavit filed in support of the Writ Petition that before imposing the aforesaid punishment *vide* Memo dated 19.01.2021, the Executive Engineer (Respondent No.1) had surrendered the Petitioner from his Office by issuing the impugned Proceeding dated 31.12.2020 (Ex.P.6) without even mentioning where the Petitioner was being surrendered; that it is submitted that the Executive Engineer (Respondent No.1) does not have the power and authority to surrender the Petitioner from his jurisdiction to any other Authority including

the Respondent No.3, inasmuch the Engineer-in-Chief (Respondent No.3) is alone the Competent Authority to do so; that thereafter, the Superintending Engineer (Respondent No.2) had submitted a Report dated 01.01.2021 to the Engineer-in-Chief (Respondent No.3) (Ex.P.8) stating that certain Complaints have been received from the Contractors, who have done works under MPLADS Grant in Kakulapadu Village, Bapulapadu Mandal, stating that the Petitioner herein is not processing the Final Bills and had neglected the routine work and also that the Petitioner has been demanding bribes in respect of MGNREGS works in Kanumolu and Perikeedu Villages; and that it is further submitted in the Report dated 01.01.2021 (Ex.P.8) that the bills are kept pending without forwarding to the Account Section for making payment, which is causing inconvenience to the Office and also causing trouble to the public and the Contractors.

5. The documents on record would also indicate that it has also been reported in the Letter of Respondent No.2 to Respondent No.3 that the Writ Petitioner has not been attending to the duty regularly and he was served with a Memo duly calling for explanation for his unauthorized absence and also that the explanation submitted by him is not satisfactory and that without attending to duty, the Writ Petitioner has furnished signature with old dates and whenever the Executive Engineer questioned these irregularities (including Complaints of non-processing of bills and unauthorized absence etc.), the Writ Petitioner has been talking back to the Executive Engineer by making unnecessary allegations and by putting the same on paper and that the Writ Petitioner is also arguing with the Executive Engineer in public and in the presence of the other staff members and women employees with abusive language; and that in view of what is stated in the Report dated 01.01.2021 (Ex.P.8), the Superintending Engineer (Respondent No.2) had requested the Engineer-in-Chief (Respondent No.3) to take back the Writ Petitioner on the ground that the services of the Writ Petitioner are no more required in his Office and consequently surrendered the Writ Petitioner on administrative grounds with effect from 31.12.2020.

6. The documents on record would further indicate that the Writ Petitioner submitted a Representation on 08.01.2021 requesting the Respondent No.3 to retain the Writ Petitioner in the same post and at the same place (Ex.P.9). The material on record would further indicate that without considering the request made by the Writ Petitioner dated 08.01.2021, the Superintending Engineer (Respondent No.2) had issued the impugned Proceeding dated 23.01.2021 directing the Writ Petitioner to work at Panchayat Raj, PIU Sub-Division, Vijayawada, on other duty, until further Orders and further directed the Writ Petitioner to report before the Deputy Executive Engineer (P.R), PIU Sub-Division, Vijayawada, immediately.

7. During the course of hearing, Petitioner-in-person has also submitted that the Writ Petitioner has not been paid salary from January, 2021 up to 08.04.2021 and he sought indulgence of this Court for payment of salary as well. For this purpose, he has taken this Court through the Election Duty Certificate issued by the Assistant District Election Authority dated 04.02.2021 (Ex.P.17). He has also drawn the attention of this Court to the Proceeding issued by the District Election Authority dated 06.03.2021 directing the Writ Petitioner to attend for training on 08.03.2021 (1st training) and 12.03.2021 (2nd training). It is indicated that the counting of votes will be taken up from 14.03.2021 onwards and he has also drawn the attention of this Court to report for counting of votes at 06:00 A.M on 14.03.2021. The Election Duty Certificate would indicate that the Writ Petitioner had reported to Election duty as Stage-I Election Officer, Proddutur, Davluru & Chalivendrapalem Gram Panchayats of Kankipadu Mandal and performed his election duty until finalization of Stage-I process i.e., on 04.02.2021.

Counter Affidavit of Respondent Nos.1 to 5:-

8. The Executive Engineer, PRI Division, P.R Department (Respondent No.1) has filed Counter Affidavit on behalf of himself and on behalf of the other Respondent Nos.2 to 5 along with material documents. It is submitted by the

Respondent No.1 that about three Complaints were received from the Contractors dated 02.07.2020 alleging that the Writ Petitioner is not processing the final bill pertaining to works done under MPLADS Grant in Kakulapadu Village of Bapulapadu Mandal and also with regard to MGNREGS works in Kanumolu and Perikeedu Villages of Bapulapadu Mandal and also similar inaction with regard to Medicharla Village in Bapulapadu Mandal. It is stated by Respondent No.1 that the Writ Petitioner is causing much inconvenience to the public and the Contractors in running the day to day administrative works, not only on account of the inaction but also on account of arrogance and defiant attitude exhibited by the Writ Petitioner herein.

9. It is also stated in the Counter Affidavit that the Writ Petitioner has not been attending to duty regularly; that the Respondent No.1 has issued a Memo on 26.09.2020 stating that the Writ Petitioner has not attended the Office from 18.09.2020 up to 22.09.2020 in an unauthorized manner and that he had later signed in the Attendance Register even for the dates of his absence without permission from the Executive Engineer. It is further stated that the Respondent No.1 directed the Writ Petitioner to submit an explanation; and, that on 28.09.2020, the Executive Engineer addressed a Letter to the Superintending Engineer about the non-performance of the departmental-work on the part of the Writ Petitioner and the inconvenience that is being caused to the general public and the Contractors due to the non-performance. The Respondent No.1 has further submitted that another Memo was issued on 29.09.2020 stating that the Writ Petitioner was again unauthorizedly absent on 28.09.2020 without proper permission or intimation and therefore, the Writ Petitioner was asked to submit his explanation.

10. It is further submitted by Respondent No.1 that the Superintending Engineer, P.R Circle (Respondent No.2) had addressed a Letter to the Engineer-in-Chief (Respondent No.3) dated 08.10.2020, bringing it to the knowledge of the Engineer-in-Chief (Respondent No.3) about the conduct of the Writ Petitioner. The Executive Engineer (Respondent No.1) has also

issued another Memo dated 26.10.2020 to the Writ Petitioner stating that the Writ Petitioner had attended to duties in Durga Temple, Vijayawada, with effect from 17.10.2020 without getting prior relieving Orders from the Executive Engineer.

11. Along with the Counter Affidavit, the Respondent No.1 has also filed a Letter addressed by the Writ Petitioner to the Executive Engineer dated 23.12.2020 only to project the high-handed, arrogant and abusive behavior of the Writ Petitioner towards a lady-officer. It is further submitted that the Department, being unable to tolerate the unacceptable behavior of the Writ Petitioner, the Executive Engineer (Respondent No.1) had addressed a Letter to the Superintending Engineer (Respondent No.2) on 31.12.2020. The Superintending Engineer had issued the Proceeding dated 23.01.2021 stating that in view of the instructions received from Engineer-in-Chief (Respondent No.3) dated 01.01.2021 and also Vigilance Memo received on 19.01.2021, the Writ Petitioner is ordered to work at P.R, P.I.U Sub-Division, Vijayawada, on other duty basis until further Orders and thereby, directing the Writ Petitioner to report before the Deputy Executive Engineer, P.R, P.I.U, Sub-Division, Vijayawada, immediately *vide* Proceeding dated 23.01.2021. There is a further direction that the pay and allowance of the Writ Petitioner shall be claimed at the original place i.e., from the Office of the Executive Engineer, PRI Division, Vijayawada, as usual, after receipt of Attendance Certificate. It is further submitted that even though the Writ Petitioner was directed to report duty immediately *vide* Proceedings dated 23.01.2021, the Writ Petitioner has reported to duty only on 08.04.2021. It is the claim of the Respondents that the Writ Petitioner has not reported to duties until 08.04.2021.

Submissions of Sri Y.B. Ramesh, learned Assistant Government Pleader for Services-IV:-

12. It is submitted by Sri Y.B. Ramesh, learned Assistant Government Pleader for Services-IV that the nature of the conduct of the Writ Petitioner

would indicate that he is unsuitable for holding a post in the Government Service where the Government Servants are required to perform public functions. Learned Assistant Government Pleader has drawn the attention of this Court to a Letter addressed by the Writ Petitioner on 23.12.2020 to the Executive Engineer (photocopy of the original handwritten Letter of the Writ Petitioner is filed along with the Counter Affidavit). Learned Assistant Government Pleader has taken this Court through the contents of the said Letter where the Writ Petitioner has made certain allegations against the Personal Assistant (P.A) to the Executive Engineer with abusive language to the effect that she is “eating food (or) anything from the bathroom?” for addressing the Writ Petitioner in singular manner. Learned Assistant Government Pleader has also submitted that the Writ Petitioner has deliberately suppressed various events that have transpired from 02.07.2020 up to 19.01.2021. He has also drawn the attention of this Court to the contents of the Proceedings of various Authorities dated 02.07.2020, the Complaints of the Contractors and the other Proceedings that transpired between the Authorities dated 26.09.2020, 28.09.2020, 29.09.2020, 08.10.2020, 26.10.2020, 23.12.2020, 31.12.2020, 01.01.2021 and 19.01.2021. He would submit that these are substantive Proceedings which took place between the Authorities and also against the Writ Petitioner and are therefore, material facts and documents. He would submit that these material facts and documents have been deliberately suppressed by the Writ Petitioner thereby, giving a picture to this Hon’ble Court that the Writ Petitioner is being unduly harassed by the Superior Authorities. He would submit that there are several issues pending against the Writ Petitioner in terms of not performing his duties properly thereby, rendering himself to be a deadwood in the Department and also his acts of arrogance, defiance, unauthorized absence from duties and also use of abusive language even against the women staff including P.A to the Executive Engineer and the issues touching upon integrity in performing his duties.

13. *Vide* Order dated 16.11.2023, this Court had directed the Respondent No.5 namely the Principal Secretary to Government to produce the Original Record pertaining to the Writ Petitioner before the Court with a further direction to depute a responsible Officer who is capable to answer the queries of this Court. One Sri A. Venkateswara Rao, who is working as Executive Engineer, is present before the Court in compliance with the Order of this Court dated 16.11.2023.

Issue:-

14. Having considered the submissions of the Writ Petitioner and the Respondent Nos.1 to 5, the issue that falls for consideration is “whether the Petitioner is entitled for the relief that is asked for”?

Analysis:-

15. This Court has perused all the Proceedings which have been referred to hereinabove. Insofar as the main relief that is sought by the Writ Petitioner is concerned, he had assailed the Proceeding of Respondent No.2 dated 23.01.2021 (Ex.P.11) wherein, the Writ Petitioner was directed to report before the Deputy Executive Engineer forthwith and that the Deputy Executive Engineer was instructed to admit the Assistant Executive Engineer immediately and report compliance.

16. Before this Court proceeds to deal with the facts of this case, at the very outset, this Court would feel it appropriate to refer to the most cardinal principles, which are required to be followed by every public servant, without deviation, which are as under:

- i. Efficiency in administration;
- ii. *Esprit de corps*; and,
- iii. Integrity.

17. The above three features are not just essential but are rather indispensable for every public servant for the purpose of maintaining efficiency

in the administration and this can be achieved only by adhering to the team spirit (*esprit de corps*) and integrity in conduct as public servants. Absence of anyone of these elements would derail the organized and organic functioning of the Government Departments which are established for catering to the needs of the public. In a democracy, the Government works for the people, of the people and by the people. If a Government Servant is lacking anyone of these cardinal features, the ultimate causality would be the public cause.

18. After having noted the essential features that are required to be possessed by a public servant, this Court would notice that the facts in the present case would indicate that the Writ Petitioner's conduct has chequered history. Although the allegations, which are raised against the Writ Petitioner by way of Memos and Reports, are still in the investigation/inquiry stage, suffice it to notice that with regard to one Proceeding dated 19.01.2021 (Ex.P.7), the Writ Petitioner was warned not to repeat making of complaints against the Superior Authorities in the future and also to be careful in the future. *De horse* this Proceeding, a new set of allegations came to light against the Writ Petitioner, where the Contractors, who have performed works under the MPLADS Grant as well as under the MGNREGS scheme were allegedly harassed by the Writ Petitioner in the form of deliberate inaction with a further demand for bribes. These Complaints have been received by the Executive Engineer (Respondent No.1) and the same had been duly reported to the Superintending Engineer (Respondent No.2) as well.

19. While these are under consideration, it transpires from record that the Writ Petitioner has resorted to acts of unwarranted behavior and writing letters in a kind of tone and tenor, which cannot be accepted by the civilized world. Such conduct, if proved against the Writ Petitioner, would undoubtedly render him unbecoming of a public servant. This Court has also noticed, as it is a matter of record, that the Writ Petitioner had addressed a Letter to the Executive Engineer about the conduct of his Personal Secretary, who is a woman, had gone to the extent of saying that 'she is eating food or anything

from the bathroom? All these are under investigation and consideration before the Superior Authorities, but at the outset, without commenting anything about the conduct of the Writ Petitioner, even assuming that one percent of these allegations were proved to be true, then for the perpetration of such conduct on the part of the Writ Petitioner, he is not entitled to be continued in the service any more.

20. The above issues have become relevant in the present case because of the fact that the harmony, coordination and cooperation which are indispensable features in public service are now ruffled in this case to some extent. How the belligerent conduct of one person as is reflected from the Proceedings of Respondent No.1 dated 31.12.2020 and the letter written by the Writ Petitioner dated 23.12.2020 (filed along with the Counter Affidavit) to the Respondent No.1 can throw the entire Department into a tailspin would emerge from the facts of the present case. The Hon'ble Apex Court has time and again reiterated the indispensability of brotherhood, coordination and cooperation that lead to harmonious relationship between the Superiors and the Subordinates in the case of ***Delhi Transport Corporation Vs. D.T.C. Mazdoor Congress and Ors. : 1991 Supp(1) SCC 600***. Para 317 of the said Judgment is usefully extracted hereunder:

“Need for harmony between social interest and individual right

317. Undoubtedly efficiency of the administration and the discipline among the employees is very vital to the successful functioning of an institution or maximum production of goods or proper maintenance of the services. Discipline in that regard among the employees is its essential facet and has to be maintained. The society is vitally interested in the due discharge of the duties by the government employees or employees of corporate bodies or statutory authorities or instrumentalities under Article 12 of the Constitution. As held in Tulsiram Patel case [(1985) 3 SCC 398, 424-25 : 1985 SCC (L&S) 672 : 1985 Supp 2 SCR 131, 166] the public are vitally interested in the efficiency and integrity of the public service. The government or corporate employees are, after all, paid

*from the public exchequer to which everyone contributes either by way of direct or indirect taxes. The employees are charged with public duty and they should perform their public duties with deep sense of responsibility. The collective responsibility of all the officers from topmost to the lowest maximises the efficient public administration. They must, therefore, be held to have individual as well as collective responsibility in discharge of their duties faithfully, honestly with full dedication and utmost devotion to duty for the progress of the country. Equally the employees must also have a feeling that they have security of tenure. They should also have an involvement on their part in the organisation or institution, corporation etc. They need assurance of service and they need protection. The public interest and the public good demand that those who discharge their duties honestly, efficiently and with a sense of devotion and dedication to duty should receive adequate protection and security of tenure. **Equally inefficient, dishonest and corrupt or who became security risk should be weeded out so that successful functioning of the industry or manufacture of the goods or rendering of services would be available at the maximum level to the society and society thereby receives optimum benefit from the public money expended on them as salary and other perks. Therefore, when a situation envisaged under statute or statutory rule or regulation or instructions having statutory force to remove or dismiss an employee the question arises whether they need at least minimum protection of fair play in action.***

21. In ***Indian Railways Construction Company Limited Vs. Ajay Kumar : (2003) 4 SCC 579***, the Hon'ble Supreme Court, although had dealt with the case relating to indiscipline of a Member of the Employees Union, had laid down certain principles with regard to the conduct of an Employee in Government Service. In this context, paras 27 to 29 of the said Judgment are usefully extracted hereunder:

“27. We find substance in the plea of learned counsel for the appellant that an employee even if he claims to be a member of the employees' union has to act with a sense of discipline and decorum. Presentation of demands relating to employees cannot be exhibited by muscle power. It must be borne in mind that every employee is a part of a functioning system, which may

collapse if its functioning is affected improperly. For smooth functioning, every employer depends upon a disciplined employees' force. In the name of presenting demands they cannot hold the employer to ransom. At the same time the employer has a duty to look into and as far as practicable, obviate the genuine grievances of the employees. The working atmosphere should be cordial, as that would be in the best interest of the establishment. Unless an atmosphere of cordiality exists there is likelihood of inefficient working and that would not be in the interest of the establishment and would be rather destructive of common interest of both employer and employees.

28. If an act or omission of an employee reflects upon his character, reputation, integrity or devotion to duty or is an unbecoming act, certainly the employer can take action against him. In this context, reference may be made to the following observations of Lopes, C.J. in Pearce v. Foster [(1886) 17 QBD 536 : (1886-90) All ER Rep Ext 1752 : 55 LJQB 306 : 54 LT 664 (CA)] (QBD p. 542):

"If a servant conducts himself in a way inconsistent with the faithful discharge of his duty in the service, it is misconduct which justifies immediate dismissal. That misconduct, according to my view, need not be misconduct in the carrying on of the service of the business. It is sufficient if it is conduct which is prejudicial or is likely to be prejudicial to the interests or to the reputation of the master, and the master will be justified, not only if he discovers it at the time, but also if he discovers it afterwards, in dismissing that servant."

This view was reiterated by a three-Judge Bench of this Court in Union of India v. K.K. Dhawan [(1993) 2 SCC 56 : 1993 SCC (L&S) 325 : (1993) 24 ATC 1 : AIR 1993 SC 1478].

29. Here, the alleged acts have not been disbelieved by the High Court. They are prima facie acts of misconduct. Therefore, the employer can legitimately raise a plea of losing confidence in the employee, warranting his non-continuance in the employment. The time-gap is another significant factor."

22. In ***M.P. Electricity Board Vs. Jagdish Chandra Sharma : (2005) 3 SCC 401***, the Hon'ble Apex Court dealt with the situation where the employee of the Madhya Pradesh Electricity Board was found guilty of hitting and injuring his Superior Officer at work place. In para 9 of the said Judgment, the Hon'ble Supreme Court held as under:

“9. In the case on hand, the employee has been found guilty of hitting and injuring his superior officer at the workplace, obviously in the presence of other employees. This clearly amounted to breach of discipline in the organisation. Discipline at the workplace in an organisation like the employer herein, is the sine qua non for the efficient working of the organisation. When an employee breaches such discipline and the employer terminates his services, it is not open to a Labour Court or an Industrial Tribunal to take the view that the punishment awarded is shockingly disproportionate to the charge proved. We have already referred to the views of this Court. To quote Jack Chan, ‘discipline is a form of civilly responsible behaviour which helps maintain social order and contributes to the preservation, if not advancement, of collective interests of society at large’. Obviously this idea is more relevant in considering the working of an organisation like the employer herein or an industrial undertaking. Obedience to authority in a workplace is not slavery. It is not violative of one’s natural rights. It is essential for the prosperity of the organisation as well as that of its employees. When in such a situation, a punishment of termination is awarded for hitting and injuring a superior officer supervising the work of the employee, with no extenuating circumstance established, it cannot be said to be not justified. It cannot certainly be termed unduly harsh or disproportionate. The Labour Court and the High Court in this case totally misdirected themselves while exercising their jurisdiction. The Industrial Court made the correct approach and came to the right conclusion.”

23. In another case, the Hon’ble Supreme Court has considered the replying effect of belligerence of the employee and the consequences within the Department on account of this misconduct. In **Chennai Metropolitan Water Supply and Sewerage Board and Ors. Vs. T.T. Murali Babu : (2014) 4 SCC 108**, the Hon’ble Supreme Court held in para 33 of the said Judgment as under:

“33. Another aspect needs to be noted. The respondent was a Junior Engineer. Regard being had to his official position, it was expected of him to maintain discipline, act with responsibility, perform his duty with sincerity and serve the institution with honesty. This kind of conduct cannot be countenanced as it creates a concavity in the work culture and ushers in indiscipline in an organisation. In this context, we may fruitfully quote a

passage from Govt. of India v. George Philip [(2006) 13 SCC 1 : (2008) 2 SCC (L&S) 365] : (SCC p. 14, para 18)

“18. ... In a case involving overstay of leave and absence from duty, granting six months' time to join duty amounts to not only giving premium to indiscipline but is wholly subversive of the work culture in the organisation. Article 51-A(j) of the Constitution lays down that it shall be the duty of every citizen to strive towards excellence in all spheres of individual and collective activity so that the nation constantly rises to higher levels of endeavour and achievement. This cannot be achieved unless the employees maintain discipline and devotion to duty. Courts should not pass such orders which instead of achieving the underlying spirit and objects of Part IV-A of the Constitution have the tendency to negate or destroy the same.”

We respectfully reiterate the said feeling and restate with the hope that the employees in any organisation should adhere to discipline for not only achieving personal excellence but for collective good of an organisation. When we say this, we may not be understood to have stated that the employers should be harsh to impose grave punishment on any misconduct. An amiable atmosphere in an organisation develops the work culture and the employer and the employees are expected to remember the same as a precious value for systemic development.”

24. Having considered the settled law, this Court is of the opinion that busy bodies who continue to unleash a volley of unsubstantiated allegations against the Superiors is a conduct which is regulated by Sub Rule 3 of Rule 3 and Sub Rule 3 of Rule 24 of the A.P. Civil Services (Conduct) Rules, 1964. It would then be a requirement on the part of the Official Respondents to initiate appropriate enquiry to verify the veracity of the allegations touching upon the conduct of the Writ Petitioner, as projected by the Official Respondents and thereby, a suitable action may be initiated. Admittedly, the Complaint dated 02.07.2020 against the Writ Petitioner and the Proceedings transpired between the Authorities dated 26.09.2020, 28.09.2020, 29.09.2020, 08.10.2020, 26.10.2020, 23.12.2020, 31.12.2020, 01.01.2021 and 19.01.2021 which are material facts, have been suppressed by the Writ

Petitioner and they were brought to light only through the material documents filed by the Official Respondents. Courts cannot permit busy bodies who are serving as public servants to take undue advantage from minor procedural lapses on the part of the Executive. Court shall not come to the rescue of such public servants whose conduct affects the public interest. The acts of belligerence are an anti-thesis in governmental service/public service. If acts of belligerence are perpetrated by the public servants, such acts would damage/destroy the entire fabric in the concerned Department besides being an example which the other likeminded or prospective belligerent staff might like to follow and emulate, which will eventually be detrimental to the 'public cause'. There are enough laws on the statute book prescribing parameters to weed-out deadwood and people with doubtful integrity inasmuch as the arrogance and characteristic of ego and pride may have an adverse impact on the whole Department. For the public servant, public duty is paramount whereas, if such public servants are giving step-motherly treatment to the very public service cannot be tolerated. Courts must be vigilant to see to it that public servants who act as busy bodies would not abuse the process of Court by pointing out few procedural lapses for securing the relief while the conduct of such public servant is under scrutiny by the Authorities.

25. In this background, it must be clearly stated at the very outset, this Court is neither exonerating the alleged conduct of the Writ Petitioner nor is it endorsing the 'alleged conduct of highhandedness and misbehaviour' on the part of the Respondents herein. It is noticed that the Writ Petitioner had already undergone one Disciplinary Proceeding in terms of a Charge Memo issued on 15.11.2019 and he was admonished/warned not to repeat such things in the future and to be more careful in the future *vide* Proceeding dated 19.01.2021. Regarding the other Proceeding relating to the Complaints received by the Executive Engineer on 02.07.2020 by various Contractors of MPLADS Grant and MGNREGS Scheme, the Executive Engineer had already informed the Superintending Engineer *vide* Proceeding dated 28.09.2020. It also transpires from record that two other Memos have been issued on

26.09.2020 and 26.10.2020 which have to be logically taken forward. At this stage, this Court would not like to comment about the sufficiency or otherwise of the evidence to implicate the Writ Petitioner inasmuch as the same is the domain of the Executive to take a call on these Proceedings. Suffice it to say that there is sufficient material on record that would indicate that the Writ Petitioner does not deserve any indulgence. The impugned Proceeding dated 31.12.2020 (Ex.P.6) is sufficient to indicate that the conduct, as projected in the said Proceeding, is required to be further inquired into.

26. With the kind of background, as noted hereinabove, this Court is of the opinion that there is no illegality in the Surrender Proceedings dated 23.01.2021 (Ex.P.11). Before parting with this case, this Court makes it clear that this Court has not rendered any adverse finding insofar as the allegations which are made against the Writ Petitioner are concerned since the same are under consideration before the authorities. Therefore, apart from the general opinion expressed by this Court, any specific comment made shall not be treated as a finding since the same has not yet been inquired into by the Executive Authorities.

27. With the above observations, this Court is of the opinion that the Writ Petition is devoid of any merit. Accordingly, this Writ Petition is dismissed. No order as to costs.

28. Interlocutory Applications, if any, stand closed in terms of this order.

GANNAMANENI RAMAKRISHNA PRASAD, J

Dt: 05.06.2025

Vns

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HON'BLE SRI JUSTICE GANNAMANENI RAMAKRISHNA PRASAD

WRIT PETITION No.23700 of 2021

Dt: 05.06.2025

Vns