

**HON'BLE MRS JUSTICE SUREPALLI NANDA**

**W.P. No. 16800 of 2006**

**ORDER:**

**Heard the Learned Counsel for the Petitioners and Government Pleader for Higher Education and Learned counsel for Respondents.**

2. The present Writ Petition is filed praying to issue a Writ of Certiorari by calling the records relating to the Memo No.SE/OP/Wgl/Estt./VI-D.No.1844/04 dated 27.10.2004 on the file of 2<sup>nd</sup> respondent and as confirmed in Memo No. CGM (HRD)/GM(S)/AS(III)/J1/F.No.286-D/04-7dated 31.01.2005 on the file of 1<sup>st</sup> respondent and quash by holding the same and consequently direct the respondents to reinstate the petitioner into service by granting all consequential and attendant benefits.

**3. The case of the petitioner in brief, is as follows:**

a) The 3<sup>rd</sup> respondent vide Memo No.DEE/E.No.NPDCL/Wgl/E.No.1498/04-D.No.503/04, dated 26.02.2004 framed 4 (Four) charges against the petitioner, alleging that the petitioner had collected money from 13 consumers of

Nekkonda Mandal and had not remitted the complete and difference amount of Rs.3,014/- and the 3<sup>rd</sup> respondent had showed Lr.No.AAO/ERO/NSPT/JAO/ESTT/VI/D.No.15/04, dated 21.01.2004 and Procgs. No. SE/OP/Wgl/ ADM/VI/D. No. 134/04 dated 14.02.2004 are the grounds for the charge.

b) All 4 (Four) charges against the petitioner attract violation of Rule 4 (XXVI) but to project the case as grave, the 3<sup>rd</sup> respondent had stated that the alleged misconduct constitutes violation of Rule 4 (XXVI), (XLI) and 4 (XLIV) and also under A.P.N.C.D.L discipline and appeal rules No.6 (V) (XXXI) and (XLV).

c) Petitioner had submitted his explanation through a representation to the 3<sup>rd</sup> respondent, requesting to consider the explanation of the petitioner and to drop the proposed action against the petitioner.

d) The 2<sup>nd</sup> respondent then issued the 2<sup>nd</sup> show cause notice vide Memo No.SE/Op/Wgl/Estt.U1/D.No.1509/04 dated 25.05.2004 proposing the punishment of 'termination from service', without considering the explanation of the petitioner and without application of mind and simply extracting the

charges stated and the findings of the enquiry officer and issued the final orders vide Memo No.SE/OP/Wgl/Estt./VI-D.No.1844/04 dated 27.10.2004.

e) Moreover, the punishment 'Termination' is not incorporated in regulation 5 of A.P. State Transmission Corporation Ltd., Employees Disciplinary and Appeal Regulations. Respondent Authorities are to follow the procedure laid down under Regulation 10 of A.P. State Transmission Corporation (APSEB) Employees and Appeal Regulation before imposing the penalty but the respondent authorities had not followed any such procedure.

f) Under the said regulations, the Punishment of Termination is synonymous with the Punishment of Dismissal from service, the Director Personnel is the Disciplinary Authority for the post of LDC (Junior Assistant), shown at Class-III, category-1 Officer. The Concerned Authority too, has to impose the punishment of Termination with concurrence of the manager (General Services) but the 2<sup>nd</sup> respondent issued the punishment of termination contrary to the said regulation. Hence the Writ Petition.

**4. The Counter Affidavit on behalf of 1<sup>st</sup> and 2<sup>nd</sup> respondents:**

a) The Petitioner had been terminated from the services on the charges of Tampering of PRs and Misappropriation of Departmental Funds, which was proved during the Departmental Enquiry and relieved from w.e.f 28.10.2004 vide Memo.No.AAO/ERO/R/HNK/Estt./D.No.371/04, dt. 28.10.2004.

b) The Appeal preferred by the petitioner had been rejected by the Chief General Manager (HRD)/NPDCL/Warangal vide Memo No.CGM (HRD)/GM(S)/AS.III/J1/F.286-D/04-7 dated 31.01.2005.

c) The Petitioner had been kept under suspension w.e.f 16.01.2004 in the public interest pending enquiry. The 2<sup>nd</sup> respondent had appointed The Divisional Engineer, Warangal as Enquiry Officer and issued the Charge Sheet framing 4 (Four) charges.

d) The said charges against the petitioner constitute misconduct under APNPDCL Service Conduct Regulation No. 4 (XXVI), (XII), and 4 (XIV) and also under APNPDCL Discipline

and Appeal Regulation No. 6(V), (XXXI) & (XIV) and is liable for Disciplinary Action.

e) On perusal of the explanation submitted by the petitioner against the charges, the lapse of misappropriation of charges is not for the 1<sup>st</sup> time and that the petitioner is habituated of Mis-appropriating NPDCL funds and during the enquiry, misappropriation of NPDCL funds and tampering of Duplicate PRs were proved beyond any ambiguity.

f) After careful consideration of the explanation of the petitioner, findings of the Enquiry Officer, Evidences, previous service rendered and after approval of concurrence committee, the award of Punishment of Termination from service besides treating the period of suspension as Suspension was awarded.

g) One of the penalty prescribed under section 5 of D&A Regulations is removal/dismissal from service and the same has been followed in the present case and hence the punishment of Termination from service is not bad in law.

h) The 2<sup>nd</sup> respondent being the Appointing Authority and also the Disciplinary Authority for the post of LDC had

imposed the punishment of Termination from Service after obtaining of concurrence committee under Regulation 10 (2)(a) of APSEB Employees Discipline and Appeal Regulations as adopted by A.P. Transco Employees Discipline and Appeal Regulations. Hence, there are no merits in the present Writ Petition and is liable to be dismissed.

**PERUSED THE RECORD :**

5. The order impugned vide Memo No.SE/OP/Wgl/Estt.U1/D No./844/04, dt. 27.10.2004 of the 2<sup>nd</sup> Respondent reads as under :

“In the reference 6 cited, a show cause notice was issued to Sri G. Ashok, LDC RC proposing to award punishment of "Termination from Service" besides treating the period of suspension as suspension on the following grounds.

In the reference 1<sup>st</sup> cited Sri G. Ashok, LDC/RC was kept under suspension in public interest, pending enquiry into grave charges against him.

In the reference 2<sup>nd</sup> cited the Divisional Engineer/Enquiries/ NPDCL/Warangal was appointed as Enquiry Officer to enquire into the irregularities committed by him.

Based on the Enquiry Report vide reference 4 cited Sri G.Ashok, LDC/RC was reinstated into service and posted to work under the control of Asst. Accounts Officer/ ERO R/Hanamkonda vide reference 5th cited and show cause notice was issued to the delinquent vide reference 6" cited directing him to show cause as to why the punishment of "Termination from Service" besides treating the period of suspension as suspension, not to be imposed on him for the charges held proved against him.

Sri G. Ashok, LDCRC has submitted his explanation vide reference (7) cited as follows:

- 1) By oversight he had altered duplicate P.Rs and less amounts noted in duplicate P.Rs and on enquiry, he had paid those amounts on 27-01-2004 through bank draft.
- 2) He has attended regularly special collections every month. By oversight he wrote wrong S.C.No. as 827 instead of 825 and the difference less amount of Rs.200/- was paid in the shape of D.D. No.123023 dt. 27-01-04. Thus he has agreed to his mistakes which were committed by him.
- 3) He has collected C.C. Charges from the consumers as part payment and issued P.Rs. Due to carbon copy which was not visible there were some mistakes and also amounts vaxed. He has feel guilty for his mischievous.

4) The difference amount of Rs.5014/ paid through D.D.No.123023 Dt.27.01.2004 as per the list. And also he has requested to kindly excuse him this time on humanitarian grounds for the above mistakes and proposed action may kindly be dropped, other-wise his family will die of starvation as there is no other income to him.

It is not the first time for him and he is in habit of doing mis-appropriation of NPDCL funds and the following are the evidences.

1) During 3/83 a warning was issued to him for less remittances vide Memo. No. AAO/ERO/sJgr/D.No.3357 Dt.11-01-83.

2) He was suspended during 3/83 for mis-appropriation of Board funds for Rs. 17,623/- vide Memo No.SE/OP/Wsgr/Estt.U1/ D.No.93/83 DT. 19.03.83.

3) During 9/86 he has mis-appropriated an amount of Rs.2903-00 temporarily vide Memo.No. AAO/Sub-ERO/Mulugu/D.No.934, Dt.29-09-86. The above cases are finalized in 3/99 and he was awarded the punishment of continuing him under minimum Scale (ie. in which time scale the incumbent was placed under Suspension) for the next 3 years.

This mis-appropriation of Departmental funds and Tampering of duplicate P.Rs were held proved beyond doubt.



The concurrence committee of the NPDCL/Warangal has agreed with proposed Punishment of "Termination from Service" besides treating the period of suspension as suspension vide reference 8<sup>th</sup>.

After careful examination of the charge sheet issued by the Enquiry Officer, his explanation, the evidences adduced at the time of oral enquiry, reply to the show cause notice furnished by Sri G. Ashok LDC/RC and his previous service which is not satisfactory, the undersigned has come to the conclusion and decided to confirm of proposed punishment of "Termination from Service" besides treating the period of suspension as suspension.

Accordingly, it is ordered that Sri G.Ashok. LDC/RC is "Terminated from Service" besides treating the period of suspension as suspension with effect from The date of receipt of the memo."

6. The relevant portion of Memo No.CGM(HRD)/GM(S)/AS(III)/ J1/F.No.286-D/04-7, dated 31.01.2005 of the 1<sup>st</sup> respondent is extracted herein:

" Since the above LDC has an opportunity to submit an appeal to the undersigned under Regulation (18) of APSEB Employees Discipline and Appeal Regulations as adopted by AP

**Transco/APNPDCL, Warangal, it is decided to treat the above Mercy Petition as the appeal of the Sri G. Ashok, Ex-LDC/RC/ERO/Narsampet. After careful examination, it is observed that, Sr G. Ashok, Ex-LDC/RC/ERO/Narsampet has not put forth any fresh points, worth consideration in his appeal. Hence, it is decided to reject the appeal."**

**7. The Counter Affidavit filed by Respondent No.2, relevant paragraphs 3, 6, 7 and 8 read as under:**

**Para 3 :** The petitioner was terminated from service for the charges of tampering of PRS and mis-appropriation of Department funds which was proved during the departmental enquiry besides treating the period of suspension as suspension w.e.f the date of receipt of the final orders i.e from 28.10.2004 and relieved w.e.f 28.10.2004 AN vide MemoNo.AAO/ERO/R/HNK/Estt./D.No.371/04Dt. 28.10.2004. The appeal preferred by the petitioner was rejected by Chief General Manager(HRD)/NPDCL/Warangal vide Memo No.CGM(HRD)/GM(S)/AS.III/J1/F.286-D/04-7, Dt:31.01.2005.

**Para 6 :** In this regard, it is to submit that the lapse of misappropriation is not for the first time and he is habituated of doing mis-appropriation of NPDCL funds and the following are the instances:

1. During 3/83, a warning was issued to him for less remittances vide Memo.No.AAO/ERO/Jgn/D.No.3357/, Dt:11.01.83.
2. He was suspended during 3/83 for misappropriation of board funds for Rs.17,623/-vide Memo.No.SE/OP/WGL/Estt.U1/D.No.3/83, Dt: 19.03.83.
3. During 9/86, he has misappropriated an amount of Rs.2903-00 temporarily Vide Memo No.AAO/Sub-ERO/Mulugu/D.No.934,Dt: 29.09.86.

The above cases are finalized in 3/99 and he was awarded with the punishment of continuing him under minimum scale (i.e, in which time scale the incumbent was placed under suspension) for the next three years.

During the enquiry, the misappropriation of NPDCL funds and tampering of duplicate PRS were held proved beyond any ambiguity.

**Para 7 :** In reply to para 6 to 8 of the affidavit, it is submitted that after careful examination of the explanation, finding of the enquiry officer, evidences adduced during oral enquiry, previous service rendered and also after obtaining approval of concurrence committee, it was decided to award the punishment of Termination from service besides treating the period of suspension as suspension, as such, it is not correct to say that the termination from service is bad. It is further submitted that one of the penalty prescribed

under Regulation 5, of D & A Regulations is removal/dismissal from service and in this case, the same has been imposed by following the procedure of enquiry offering an opportunity of explanation etc. It is not correct to say that termination from service is not as per Regulation 5 of AP Transco Employees discipline and Appeal Regulations.

**Para 8 :** In reply to para 9 of the affidavit, it is submitted that the 2<sup>nd</sup> respondent i.e., Superintending Engineer/Operation Circle/Warangal is the appointing authority and also disciplinary authority, for the Post of LDC and that the same authority has imposed the punishment of termination from service against the petitioner i.e., only after obtaining prior approval of concurrence committee under Regulation 10(2)(a) of APSEB employees discipline and Appeal Regulations as adopted by AP Transco employees discipline and Appeal Regulations. Subsequently, APNPOCL/Warangal vide Memo No.CGM(HRD)/GM(S)/AS.111/1/F.286-D/04-05, Dt:15.09.2004."

**8. Regulation 10 which deals with the procedure for imposing penalties of the Andhra Pradesh Transmission Corporation Limited Employees Discipline and Appeal Regulations reads as under:**

"10. Procedure for imposing penalties

(1) No order imposing on a member of a service a penalty specified in items (i), (i) and (ii) (V) or (xx) of regulation 5 shall be passed except after.

(a) The member of the service is informed in writing by the authority competent to impose the penalty of the proposal to take action in regard to him and of the allegations on which the action is proposed to be taken, and is given an opportunity to make any representations he may wish to make to such authority, and

(b) Such representation, if any, is taken into consideration by the authority competent to impose the penalty.

(2) (a) In every case where it is proposed to impose on a member of a service any of the penalties specified in items (iv), (vi), (vii) and (viii) in Regulation 5, the authority competent to impose the penalty shall appoint an enquiry Officer, who shall be superior in rank to the person on whom it is proposed to impose the penalty, or shall itself hold an enquiry either SUO-MOTU or on a direction from a higher authority in every such case the grounds on which it is proposed to take action shall be reduced to the form of definite charge or charges, which shall be communicated to the person charged, together with a statement of the allegations on which each charge is based and of any other circumstances which it is proposed to take into consideration in passing orders in the case. He shall be required, within a reasonable

time, to file a written statement of his defence and to state whether he desires an oral enquiry or to be heard in person or both. The person charged may for the purpose or preparing his defence be permitted to inspect and take extracts from such official records as he may specify, provided that the enquiry officer may, for reasons to be recorded in writing refuse such permission, if, in his option, such records are not relevant for the purpose or it is against public interest to allow access thereto. On receipt of the statement of defence within the specified time or such further time as may have been given, an oral enquiry shall be held if such an enquiry if desired by the person charged or is decided upon by the enquiry officer or is directed by the competent authority. At that enquiry, oral evidence shall be heard as to such of the allegations as are not admitted and the persons charges shall be entitle to cross-examine the witnesses, to give evidence in person and to have such witnesses called as he may with, provided that the enquiry office may, for special and sufficient reason to be recorded in writing, refuse to file, call a witness. After the oral enquiry is committed, the person charged shall be entitled to file If he so desires, any further written statement of his defence. If no oral enquiry is held and the person charged desires to be heard in person, a personal hearing shall be given to him. The enquiry Officer shall on completion of the enquiry or the personal hearing of the person charged

or both, forward the proceedings of the enquiry or the authority competent to impose the penalty unless he is himself such an officer. The proceedings shall contain the charges framed against the person charged along with the grounds of charge, written statement filed in defence, if any, a sufficient record of the evidence adduced during the oral enquiry, a memorandum of the point urged by the person charged during the personal hearing, if any, a statement of the findings of the enquiry officer on the different charges and the grounds therefor.

Provided that the penalties specified in items (iv) and (vi) to (vii) in Regulation (5) shall be imposed by the competent authority with the concurrence of the Committees."

## **9. DISCUSSION & CONCLUSION :**

**a) The main grounds urged for challenging the impugned Memo No.SE/OP/Wgl/Estt.U1/D No./844/04, dt. 27.10.2004 of the 2<sup>nd</sup> Respondent herein and the impugned Memo No.CGM(HRD)/GM(S)/AS(III)/J1/F.No.286-D/04-7, dated 31.01.2005 of the 1<sup>st</sup> Respondent as put-forth by the Counsel for the Petitioner for grant of relief as prayed for in the present Writ Petition are:**

i) The order impugned dt. 27.10.2004 is not a reasoned order.

ii) As per the regulations, the post of LDC (Junior Assistant) is shown at Class III, Category I Officers and the Director Personnel is the Disciplinary Authority and even the said authority has to impose the punishment of termination with the concurrence of the Manager (General Services) but contrary to the said Rule the 2<sup>nd</sup> Respondent imposed the punishment of termination vide the order impugned dt. 27.10.2004 and therefore the order impugned is without jurisdiction.

iii) Procedure laid down under Regulation 10 of the A.P. State Transmission Corporation (APSEB) Employees Discipline and Appeal Regulations had not been strictly followed before imposing the penalty.

iv) The 2<sup>nd</sup> Respondent did not apply his mind independently nor considered Petitioner's explanation to the 2<sup>nd</sup> Show Cause Notice, nor discussed the relevant evidences, and without even stating a single reason arrived at the conclusion that the Petitioner is guilty of misconduct passed the order impugned dt. 27.10.2004 against the Petitioner.

v) It is total non-application of mind by the 1<sup>st</sup> Respondent.

vi) The order impugned dated 31.01.2005 of the Appellate Authority is not a reasoned order.



vii) Except stating that the Petitioner did not put-forth any fresh points worth consideration in Petitioner's Appeal the 1<sup>st</sup> Respondent neither discussed nor even referred to the points put-forth by the Petitioner in his mercy petition/Appeal, in the rejection order dt. 31.01.2005 passed by the 1<sup>st</sup> Respondent mechanically, unilaterally, hastily, against the Petitioner in total non-application of mind.

viii) The 1<sup>st</sup> Respondent without assigning any single reason upheld the punishment imposed upon the Petitioner vide order dt. 27.10.2004 of the 2<sup>nd</sup> Respondent vide 1<sup>st</sup> Respondent proceedings dt. 31.01.2005.

ix) That on earlier occasion on same and similar set of allegations which were enquired into, the Petitioner was reinstated into service and curiously though 4 specific charges were framed against the Petitioner vide Memo dt. 26.02.2004 of the 3<sup>rd</sup> Respondent issued to the Petitioner, the order impugned dt.27.10.2004 of the 2<sup>nd</sup> Respondent strangely referred to two issues pertaining to the year 1983 and one issue pertaining to 1986 which had infact been finalized in March, 1999 which did not however figure in the charge sheet issued vide Memo dt. 26.02.2004 of the 3<sup>rd</sup> Respondent to the Petitioner herein and that the same was not permissible in view of the fact that the previous record is not made subject

matter of the charge at the first stage when the same was issued to the Petitioner vide Memo dt.26.02.2004.

x) The punishment imposed is in violation of the Rule of Doctrine of Proportionality and the same is harsh and disproportionate to the gravity of offence.

**b) The main contentions put forth by the Counsel for the Respondents are :**

i) That the two orders impugned in the present Writ Petition warrant no interference by this Court and no sympathy to the Petitioner is warranted and further that the quantum of punishment imposed by the Disciplinary Authority need not be interfered by the High Court.

ii) The Counsel for the Respondents brings on record vide Memo dt. 12.08.2022, T.O.O. (Addl. Secy. Per) M.S.No.394, dt. 30.11.1999 and contends that as per the revised guidelines the appointing authority or the higher authority is vested with the power to impose the penalties and therefore the order is well within jurisdiction of the 2<sup>nd</sup> Respondent.

iii) The Counsel for the Respondents placed reliance on the judgments of the Apex Court listed below :

- a) Judgment of the Apex Court reported in (2022) Livelaw (SC) 404 in the case of Union of India & Others Vs. M.Duraisamy, dt. 19.04.2022 (paras 9 and 10) on the point that no undue sympathy needs to be shown in favour of an employee merely because the employee had deposited the defrauded amount and therefore no loss was caused to the Department.
- b) The judgment of the Apex Court dt. 22.01.2001 in KSRTC Vs. B.S.Hullikatti, reported in (2002) AIR (KarR) (O) 644, (paras 5 & 6) on the point that the dishonesty or negligence of an employee would eventually result in financial loss to the Corporation and further it is the responsibility of the bus conductors to collect the correct fair from the passengers and deposit the same into the Corporation.

c) The judgment of the Apex Court dt. 09.10.2007  
in Government of Andhra Pradesh Vs. Mohd.  
Taher Ali (para 5) reported in (2007) 1J (SC)  
(10) 38, on the point that there can be no hard  
 and fast rule that merely because earlier  
 misconduct has not been mentioned in the  
 charge sheet it cannot be taken into  
 consideration by the punishing authority.

10. This Court opines that the Petitioner herein is  
 entitled for the relief as prayed for by the Petitioner in  
 the present Writ Petition, in view of the fact that  
 Regulation 10 which deals with the procedure for  
 imposing penalties of the Andhra Pradesh State  
 Transmission Corporation Ltd., Employees Discipline  
 and Appeal Regulations, (referred to an extracted  
 above) clearly indicates under Regulation 10(2)(a) that  
 the authority competent to impose the penalty shall  
 appoint an Enquiry Officer or shall itself hold an enquiry  
 and in every such case the grounds on which it is  
 proposed to take action shall be reduced to the form of  
 definite charge or charges, which shall be

communicated to the person charged, together with a statement of the allegations on which each charge is based and of any other circumstances which it is proposed to take into consideration in passing orders in the case. Admittedly as borne on record in the present case the statement showing the 4 specific charges framed against the Petitioner vide Memo dt. 26.02.2004 of the 3<sup>rd</sup> Respondent issued to the Petitioner did not include the 3 specific charges referred to in the impugned Memo dt. 27.10.2004 of the 2<sup>nd</sup> Respondent herein which pertained to two financial irregularities of the Petitioner during January 1983 and 19<sup>th</sup> March 1983 and one charge pertaining to 29.09.1986 and the Petitioner was not aware of the said circumstances which the Respondent Authority proposed to take into consideration in passing orders in the present case and therefore the Petitioner failed to submit his written statement of defense in respect of the said charges and the same amounts to denial of reasonable opportunity to the Petitioner. This Court opines the Petitioner herein ought to have been provided a reasonable

opportunity not only to prove that he is not guilty of the charges leveled against him but also to establish that the punishment proposed to be imposed is either not called for or excessive. In the present case admittedly as borne on record the principle of reasonable opportunity had not been followed. The judgment relied upon by the Counsel for the Respondent in Government of Andhra Pradesh Vs. Mohd. Taher Ali dt. 09.10.2007 would not apply to the facts of the present case because Regulation 10(2)(a) dealing with the procedure for imposing penalties clearly mandates that the person charged should be communicated with the statement of allegations on which each charge is based and of any other circumstances which it is proposed to take into consideration in passing the orders in the case. In the present case in the Counter Affidavit filed by Respondent No.2 it is clearly stated at para 7 that the Petitioner's previous service rendered was also the basis to award the punishment of termination from service, the said circumstances which did not figure in the show cause notice dt. 25.05.2004 issued to the

Petitioner, but however, curiously figured in the order impugned dt. 27.10.2004 passed by the 2<sup>nd</sup> Respondent contrary to the procedure laid down in Regulation 10(2)(a) of the Andhra Pradesh State Transmission Corporation Ltd., Employees Discipline and Appeal Regulations, (referred to an extracted above). It is specifically stipulated in Regulation 10(2)(a) that the authority competent to impose the penalty, in every such case, shall enlist the grounds on which it is proposed to take action and reduce the same to the form of definite charge or charges, which shall be communicated to the person charged, together with the statement of the allegations on which each charge is based and of any other circumstances which it is proposed to take into consideration in passing orders in the case. It is borne on record that the same is not followed in the present case.

11. This Court as well as the Apex Court, on number of occasions, have held that any authority/Court/quasi-judicial authority have to necessarily give reasoning in the order passed by them. Unless reasoning is given in

the order, neither the party nor Courts before whom the order is challenged will be in a position to appreciate as to what has weighed with the said authority either for dismissing or allowing the application of the petitioner. Though the quasi-judicial or administrative authority are not obligated to give a lengthy or elaborate reasoning as in the case of Judicial order, yet they are expected to give a reasoned order which should be precise, concisely setting out the reason either for allowing or dismissing the contention/application/case.

12. In Assistant Commissioner, Commercial Tax Department, Works Contract and Leasing, Kota v. Shukla and Brothers, (2010) 4 SCC 785, the Hon'ble Supreme Court has held as under :

“....while exercising the power of judicial review on administrative action and more particularly the judgment of Courts in appeal before the higher Court, providing of reasons can never be dispensed with. The Doctrine of Audi Alteram Partem has three basic essentials. Firstly a person against whom an order is required to be passed or whose rights are likely to be affected



adversely must be granted an opportunity of being heard. Secondly, the authority concerned to provide a fair and transparent procedure and lastly, the authority concerned must apply its mind and dispose of the matter by a reasoned or speaking order.

A litigant who approaches the Court with any grievance in accordance with law is entitled to know the reasons for grant or his rejection of his prayer. Reasons are the soul of orders. Non recording of reasons could lead to dual infirmities, firstly, it may cause prejudice to affected party and secondly, more particularly hamper the proper administration of justice. These principles are not only applicable to administrative or executive actions, but they apply with equal force and in fact, with a greater degree of precision to judicial pronouncements". This Court opines that the orders impugned dt. 26.04.2004, and dt. 31.01.2005 passed by 2<sup>nd</sup> and 1<sup>st</sup> Respondents respectively are not reasoned orders and have been passed mechanically without application of mind and therefore the same need to be set aside because reasons are the soul of the orders.

13. Taking into consideration the above referred facts and circumstances of the case and the procedure laid down under Regulation 10(2)(a) of Andhra Pradesh

State Transmission Corporation Ltd., Employees Discipline and Appeal Regulations, (referred to and extracted above) and in view of the ratio laid down by the Hon'ble Supreme Court in Shukla and Brothers case reported in (2010) 4 SCC 785 (referred to and extracted above), without going into the merits or demerits of the case the Writ Petition is allowed setting aside the impugned orders dt. 26.04.2004 passed by the 2<sup>nd</sup> Respondent and 31.05.2005 passed by the 1<sup>st</sup> Respondent and the matter is remanded back to the 2<sup>nd</sup> Respondent for passing fresh reasoned order, strictly in accordance with law, in conformity with the principles of natural justice, duly following the principle of reasonable opportunity and also duly following the procedure as stipulated in Regulation 10(2)(a) of Andhra Pradesh State Transmission Corporation Ltd., Employees Discipline and Appeal Regulations, (referred to and extracted above) as expeditiously as possible preferably within a period of 5 weeks from the date of receipt of a copy of this order and duly communicate the decision to the Petitioner. It is needless to observe

**that before passing any orders the Petitioner should be put on notice and afforded an opportunity of hearing. But however, there shall be no order as to costs.**

Miscellaneous petitions, if any, pending shall stand closed.

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**SUREPALLI NANDA, J**

Date: 05.06.2023

Note: L.R. copy to be marked  
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**IN THE HIGH COURT OF TELANGANA AT HYDERABAD**

**W.P. No. 16800 of 2006**

Between:

G.Ashok

... Petitioner

And

Northern Power Distribution Company of A.P.Ltd. and others

... Respondents

JUDGMENT PRONOUNCED ON: 05.06.2023

**THE HON'BLE MRS JUSTICE SUREPALLI NANDA**

1. Whether Reporters of Local newspapers : yes  
may be allowed to see the Judgment?
2. Whether the copies of judgment may be  
marked to Law Reporters/Journals? : yes
3. Whether Their Lordships wish to  
see the fair copy of the Judgment? : yes

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**SUREPALLI NANDA, J**

**THE HON'BLE MRS JUSTICE SUREPALLI NANDA**

**W.P. No. 16800 of 2006**

**% 05.06.2023**

**Between:**

**# G.Ashok**

**..... Petitioner**

**And**

**\$ Northern Power Distribution Company of A.P.Ltd. and others  
... Respondents**

**< Gist:**

**> Head Note:**

**! Counsel for the Petitioner : M/s M.Venkatram Reddy**

**^ Standing Counsel appearing for respondents-TSNPDCL**

**? Cases Referred:**

**1. 2010(4) SCC 785**