

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.2255 of 2021

Date : 08.02.2021

Between:

K.Chandra Prakash S/o.K.Jagan Mohan Rao  
Aged about 52 years, working as Manager,  
Nizampet Municipal Corporation,  
R/o.H.No.1-7-22/A, JSN Colony,  
Habsiguda, Street No.8, Hyderabad.

Petitioner

And

State of Telangana rep.by its  
Principal Secretary to Government,  
Panchayat Raj & Rural Development Department,  
Secretariat, T.S.Hyderabad and others.

Respondents

The Court made the following:

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.2255 of 2021

ORDER:

Heard learned counsel for petitioner and learned Assistant Government Pleader for Services II.

2. Petitioner is challenging the order of punishment of withholding one increment without cumulative effect passed by the Commissioner of Panchayat Raj and Rural Employment, dated 20.10.2020.

3. The order of punishment is challenged primarily on the ground that after establishment of new municipalities, some of the Panchayat Secretaries Grade-I working in the erstwhile Grampanchayats were absorbed into municipality service and in the said manner, the services of the petitioner were also absorbed into municipality service and is presently working as Manager in Nizamanad Municipal Corporation. Therefore, the Commissioner of Panchayat Raj and Rural Employment is no more the disciplinary authority or appellate authority and not entitled to take disciplinary action against the petitioner.

4. The proceedings of his absorption and posting him as Manager, Nizamabad Municipal Corporation are placed on record.

5. On instructions, learned Assistant Government Pleader for Services-II fairly submits that orders of absorption of the petitioner have become final.

6. In view thereof, petitioner is no more employee of Panchayat Raj service and therefore, the Commissioner of Panchayat Raj and Rural Employment has no jurisdiction to deal with disciplinary action against the petitioner. Therefore, the punishment order is

set aside. It is open to the Panchayat Raj Department to forward the record of service including the disciplinary proceedings of the petitioner to the Nizamabad Municipal Corporation to enable the competent authority in the Nizamabad Municipal Corporation for taking appropriate action as warranted by law.

7. Accordingly, the writ petition is allowed. Miscellaneous petitions, if any pending, are closed.

8<sup>th</sup> February, 2021  
Nvl

---

P NAVEEN RAO,J

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 2255 of 2021

Date:08.02.2021

Nvl