

HON'BLE SRI JUSTICE R.KANTHA RAO

Writ Petition No.27714 of 2015

Order:

Heard Sri B.S.N. Naidu, learned counsel appearing for the petitioner and the learned Government Pleader for Endowments appearing for the respondents 1 to 4.

2. While the petitioner was working as Manager of the 6th respondent-Choultry, proceedings dated 12-11-2014 were issued by the 2nd respondent framing certain Articles of Charges against the petitioner and departmental enquiry was initiated against him.

The 3rd respondent-Deputy Commissioner conducted an enquiry against the petitioner and submitted his report. Basing on the report submitted by the 3rd respondent, the 5th respondent by proceedings dated 15-6-2015 removed the petitioner from service. The said proceedings are challenged in the present writ petition on the ground that the Enquiry Officer conducted the enquiry without affording any opportunity to the petitioner to submit his version and thereby in violation of principles of natural justice. Thereafter, the petitioner submitted a representation to the 2nd respondent-Commissioner of Endowments on 22-6-2015 stating therein that the enquiry was conducted without affording him any opportunity to submit his version, to set aside the enquiry report and to

conduct fresh enquiry into the charges levelled against him. Similar representation was submitted by the petitioner to the 3rd respondent-Deputy Commissioner of Endowments on 22-7-2015.

3. Since the very same proceedings of removal from service are challenged in the writ petition, I am of the view that the petitioner ought to have availed the appellate remedy available to him under Section 37(3) of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 (the Endowments Act, for short). The representation dated 22-6-2015 to the Commissioner of Endowments Department has been pending consideration before the 2nd respondent, who is the appellate authority.

4. The writ petition is, therefore, disposed of directing the 2nd respondent-Commissioner of Endowments to consider the representation dated 22-6-2015 as an appeal filed under Section 37(3) of the Endowments Act, examine the contentions urged by the petitioner in the representation and dispose of the appeal in accordance with law within a period of 8 (eight) weeks from the date of receipt of a copy of this order after affording opportunity of personal hearing to the petitioner. The miscellaneous petitions, if any, pending in this writ petition shall stand closed. No costs.

R.KANTHA RAO, J.

31st August, 2015.

Ak

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