

THE HON'BLE SRI JUSTICE A.V. SESA SAI

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WRIT PETITION No.36911 OF 2015

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ORDER:

This writ petition is filed under Article 226 of the Constitution of India for the following relief:

“to issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, to declare the impugned Procs.Rc.No.D5/603/EGS/2015 dt.23-4-2015 issued by the 3rd respondent removing the petitioner from the post of Field Assistant of Sakavaram village, Valetivaripalem Mandal, Prakasam District as being illegal and arbitrary, unilateral and against to the principles of natural justice, consequently set aside the same, and to pass such other order or orders as this Hon'ble Court may deems fit just and proper in the circumstances of the case

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2. Heard Dr.K.Manmadha Rao, learned counsel appearing for the petitioner, Sri M.Sri Rama Chandra Murthy, learned standing counsel appearing for 3rd respondent and learned Government Pleader for Panchayat Raj.

3. When the matter is called, a preliminary objection is raised by the learned standing counsel with regard to maintainability of the writ petition in view of availability of the alternative appeal to the collector against the orders of the 3rd respondent. When the same is pointed out to the learned counsel, learned counsel for the petitioner has requested this court to permit the petitioner herein to avail said alternative remedy by giving sometime. This court considers the said request as reasonable and the said request also not opposed by the learned standing counsel.

4. In view of the above, writ petition stands disposed of, permitting the petitioner herein to avail alternative remedy of appeal to the collector against the impugned order, within one month from the date of receipt of copy of this order. If any such appeal is filed within the stipulated time, the same shall be considered and

appropriate orders be passed in accordance with law, within a period of two months thereafter.

5. Miscellaneous petitions pending consideration, if any, in the Writ Petition shall stand closed in consequence. No order as to costs.

A.V.SESHA SAI, J

13th November, 2015

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