

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

WRIT PETITION NO. 18821 OF 2014

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ORDER:

The petitioner herein challenges the validity of an order passed on 13.11.2013 by the Vice Chairman & Managing Director of the respondent-Corporation, imposing on the petitioner the punishment of recovery of Rs.2,46,408/- representing the proportionate charges for the shortage of material caused at Vijayawada Depot, where the petitioner has worked as a District Manager at the relevant point of time.

Though several contentions have been canvassed in support of the plea that the impugned order is not sustainable, Sri Mummaneni Srinivasa Rao, learned Standing Counsel for the respondent-Corporation has pointed that, this is an appealable order and the appeal is liable to be entertained by the Board of Directors of the Corporation. Without availing the effective alternative remedy, the petitioner has approached this Court and hence, it is only appropriate that the petitioner should avail such an Appellate Remedy so that, the Board of Directors will be in a position to examine the contentions which the petitioner is urging now and record their findings one way or the other.

Though, availability of an alternative remedy is not considered to be an absolute bar for entertaining an application under Article 226 of the Constitution, but nonetheless, all factual controversies, can be settled at rest if effective alternative remedies which are available are availed at the first instance. That would help the judicial review exercise easier for this Court. Hence, this writ petition stands disposed of directing the petitioner to avail the Appellate Remedy by preferring an appeal within a maximum period of 15 days from now and if the same is so preferred, the Appellate Authority may entertain the same and consider it on merits, instead of dismissing it only on the ground that the said appeal has been preferred beyond the time limit normally fixed for preferring any such appeal. However, it is appropriate to notice that, if the petitioner were to give an appropriate undertaking before the respondent-Corporation with regard to withholding of the amounts which are otherwise now determined as recoverable by the petitioner, the Corporation will consider the issue

of releasing the other terminal benefits.

Writ petition stands disposed of.

Consequently, miscellaneous applications pending if any shall also stand closed.

No costs.

JUSTICE NOOTY RAMAMOHANA RAO

24.04.2015

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