

HON'BLE SRI JUSTICE S.V. BHATT

WRIT PETITION No.251 OF 2015

ORDER:

The issue arises under the A.P. (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Services Act 16 of 1993 (for short 'the Act').

The petitioner assails the communication No.(M) Rc.950/2006/C5 dated 26.12.2014 and also the consequential order of 1st respondent dated 07.01.2015, as illegal, violative of principles of natural justice and unconstitutional.

One of the grievances of the petitioner is that the 3rd respondent is under legal obligation to pass an order under Section 5 of the Act, communicate a copy of the order to petitioner and thereafter notify the social status, but in the case on hand, the 3rd respondent issued notice dated 02.05.2011 to attend for enquiry on 28.05.2011 at 11.00 a.m. The case stood posted to 27.06.2011. According to petitioner, without conducting further enquiry or passing an order, communication No.(M) Rc.950/2006/C5 dated 26.12.2014 is sent to 1st respondent.

The petitioner assails the orders impugned on several factual and legal contentions. Under Section 7 of the Act, the communication dated 26.12.2014 is appealable. The 1st respondent before the expiry of period of appeal and without examining whether the petitioner has knowledge of communication dated 26.12.2014 terminated the petitioner from service. *Prima facie*, the order suffers from illegality and violative of principles of natural justice. The communication dated 26.12.2014 and consequential order dated 07.01.2015 are suspended. The petitioner is given liberty to file appeal before the Government within 30 days from today and the appellate authority is directed to summon the record, examine the legality of communication dated 26.12.2014 and dispose of the appeal within a period of three months from the date of filing of the appeal. The suspension granted is directed to be continued pending appeal. The writ petition is disposed of. No order

as to costs.

Miscellaneous petitions, if any, pending in the writ petition shall stand closed.

S.V.BHATT, J

Date:13.01.2015

Stp