

HON'BLE MR JUSTICE R. KANTHA RAO

Writ Petition No.20924 OF 2015

DATE:09.07.2015

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BETWEEN:

-
N.Kirankumar
Petitioner

..

And

The State of A.P. rep. by its Principal Secretary, PR & RD Dept.Hyderabad
and four others

.. Respondents

HON'BLE SRI JUSTICE R. KANTHA RAO

Writ Petition No.20924 OF 2015

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ORDER:

This writ petition is filed by the petitioner under Article 226 of the Constitution of India seeking a writ of mandamus declaring the proceedings in Rc.No.D2/128/IGS/2015, dated 22.04.2015 of the third respondent whereby the petitioner was removed from service as Field Assistant, Budduvaripalem village, Santhanuthalapadu Mandal, Prakash District on the basis of the report alleged to have been received by him from the 4th respondent as being illegal, arbitrary, and in violation of principles of natural justice and consequently to set aside the same with a direction to continue the petitioner in service with all benefits.

2. Heard the leaned counsel appearing for the petitioner and the learned counsel appearing for the respondents.

3. The petitioner was appointed as Field Assistant in the year 2007 and since then he was discharging his duties as Field Assistant till the date of his removal. Subsequently, a show cause notice was issued to the petitioner for which he submitted his explanation. However, the petitioner was suspended by order, dated 19.03.2015. Subsequently, an enquiry was conducted and final order was passed removing him from service without considering the submissions made by him in the explanation in a mechanical way.

4. Since the order impugned in this writ petition is appealable, this Court is of the opinion that the petitioner has to avail efficacious alternative remedy by way of appeal.

5. In the circumstances, the writ petition is disposed of at the stage of admission, directing the petitioner to avail remedy of appeal before the Appellate Authority. As the petitioner approached this Court directly without availing the appeal remedy, the Appellate Authority is directed to entertain the appeal notwithstanding the delay, if any occasioned in preferring the

appeal and dispose of the appeal on merits in accordance with law within a period of two months from the date of filing of the appeal. There shall be no order as to costs.

The miscellaneous petitions, if any, pending in this writ petition shall stand closed.

R.KANTHA RAO, J

Date:09.07.2015
ccm

THE HON'BLE SRI JUSTICE R.KANTHA RAO

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