

THE HON'BLE THE CHIEF JUSTICE SRI KALYAN JYOTI
SENGUPTA
AND
THE HON'BLE SRI JUSTICE SANJAY KUMAR

Writ Petition No.1038 of 2015

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DATED:29.01.2015

Between:

Vilasagaram Kondaiah,
Warangal.

... Petitioner

And

The State of Telangana,
Represented by its Secretary,
Law (LA&J-Home Courts.D),
Hyderabad and others.

....Respondents

THE HON'BLE THE CHIEF JUSTICE SRI KALYAN JYOTI
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Order: (per the Hon'ble the Chief Justice Sri Kalyan Jyoti Sengupta)

After hearing the learned counsel for the parties, we think that this Court should not examine this matter on merit now. The petitioner has been reverted rightly or wrongly from a superior post to an inferior post. This was done admittedly without giving a hearing or even without issuing any notice to him. According to us, if any decision is taken by the learned District Judge, which has got affectation of civil right consequently visit evil consequences, hearing should be given.

We therefore permit the petitioner to make a comprehensive representation within a period of two weeks from date and in the event such a representation is made, the learned District Judge shall give personal hearing to the petitioner and pass a fresh order within three weeks thereafter. The learned District Judge will decide the matter in accordance with law afresh without being influenced by the earlier decision. However, after considering the contentions of the petitioner, he may reverse, nullify, vary or retain the same order, as the situation would permit. In the event, no such representation is made, the issue

will be a closed chapter. Obviously, the learned District Judge will pass a speaking order in the matter and till a decision is taken in the matter in terms of this order, if the impugned order is not implemented as on today, it should not be implemented. Even if it is implemented, it would abide by the result of the fresh decision so to be taken by the learned District Judge. We record that we have not decided anything on the merits of the matter.

The writ petition is accordingly disposed of.

Consequently, the miscellaneous applications, if any pending, shall also stand closed. No order as to costs.

K.J. SENGUPTA, CJ

SANJAY KUMAR,
J

29th January, 2015

Pnb/gbs