

HONOURABLE SRI JUSTICE G.CHANDRAIAH
AND
HONOURABLE SRI JUSTICE U.DURGA PRASAD RAO

WRIT PETITION No. 36110 OF 2015

DATED 12TH November, 2015

BETWEEN

K.Guru Babu

....Petitioner

And

The State of Andhra Pradesh,

Rep. by its Principal Secretary,

Revenue Department, Secretariat, Hyderabad and ors.

...Respondents.

HONOURABLE SRI JUSTICE G.CHANDRAIAH
AND
HONOURABLE SRI JUSTICE U.DURGA PRASAD RAO

WRIT PETITION No. 36110 OF 2015

ORDER: (Per Hon'ble Sri Justice G.CHANDRAIAH)

Heard learned Counsel for the petitioner and learned Government Pleader appearing for the respondents.

The petitioner while working as Village Revenue Officer under the control of the third respondent was issued with show cause notice dated 18.4.2015 as he was not discharging his legitimate duties properly. The petitioner submitted his explanation. However dissatisfied with the same, the third respondent issued proceedings dated 01.05.2015 surrendering the petitioner to the Collector and District Magistrate, Prakasam District at Ongole. Aggrieved by the same, the petitioner preferred O.A.No.3361 of 2015 before the Andhra Pradesh Administrative Tribunal, Hyderabad, which was disposed of by order dated 28.07.2015 observing that the order dated 01.05.2015 cannot be termed as arbitrary or illegal. In the said order, the Andhra Pradesh Administrative Tribunal, however, directed the second respondent-District Collector to issue posting order to the petitioner as per the rules within a period of three months from the date of receipt of the said order while giving liberty to initiate disciplinary action against the petitioner, on merits, as per rules. Dissatisfied with the order of the Tribunal dated 28.07.2015, the present Writ Petition is filed.

The learned Counsel for the petitioner mainly contended that the impugned order dated 1.5.2015 passed by the third respondent in relieving and surrendering the petitioner to the second respondent being in the nature of punishment or disciplinary action is without prior notice and opportunity of being heard. He therefore submits that this lapse constitutes blatant violation of principles of natural justice and the Tribunal failed to consider the same in proper perspective. He fairly submits that pursuant to the direction of the Andhra Pradesh Administrative Tribunal, the petitioner was given posting orders and he is working.

Inasmuch as the petitioner is given posting orders in terms of the directions of the Andhra Pradesh Administrative Tribunal and working some where else, the question of misery with the impugned proceedings dated 1.5.2015 any more does not arise. In that view of the matter we are not inclined to go into merits or otherwise of the said order. The learned Counsel for the petitioner however strenuously urges that the impugned order passed by the third respondent which is in the nature of disciplinary action will have glaring stigma on the service of the petitioner. Having regard to the subsequent developments that have taken place as stated supra, We deem fit to make clear that the observations made in the impugned order with regard to the conduct of the petitioner shall not be taken into consideration in the future proceedings that may be initiated against the petitioner.

Subject to the above, the Writ Petition is disposed of. Miscellaneous petitions pending consideration if any in the Writ Petition shall stand closed in consequence. No order as to costs.

JUSTICE G. CHANDRAIAH

JUSTICE U.DURGA PRASAD RAO

DATED 12TH NOVEMBER, 2015.

Msnr_x

