

**HON'BLE SRI JUSTICE DILIP B. BHOSALE**  
**AND**  
**HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO**  
**WRIT APPEAL No. 28 OF 2015**

**P.C:** (per the Hon'ble Sri Justice Dilip B. Bhosale)

Heard learned counsel for the appellants and Mr. Kasa Jaganmohan Reddy, learned counsel for respondent No.1.

Mr. Kasa Jaganmohan Reddy, learned counsel for respondent No.1 submits that despite his efforts, he is not getting any instructions from respondent No.1.

This appeal is directed against the order dated 13-08-2014 disposing of Writ Petition No.33732 of 2010 filed by respondent No.1. In the writ petition, respondent No.1 sought to challenge the orders dated 11-02-2010 and 28-04-2010 passed by appellant No.2 and respondent No.3 respectively and so also the inaction of respondent No.4 on his representation seeking to implement the resolution of appellant No.1 as arbitrary, illegal, misconceived and violative of Articles 14 and 21 of Constitution of India. He also sought direction to treat the period of suspension as on duty. The learned Judge in the concluding paragraph, while disposing of the writ petition, observed thus:

"In view of the above, the respondents 4 and 5 are directed to reinstate the petitioner into service forthwith, pending enquiry, if any, proposed to be initiated against him. The writ petition is accordingly disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, filed in this writ petition shall stand closed.

(emphasis supplied)"

It was submitted on behalf of respondent No.1, before the learned single Judge, that no enquiry had been initiated against respondent No.1 and he was kept out of job since 11-02-2010. The learned Judge also recorded that there was no denial to the fact that the Executive Committee had set aside the suspension order dated

13-02-2010 by a majority resolution and that no enquiry had been initiated against respondent No.1, i.e., petitioner in writ petition. In this backdrop, the petition was disposed of with the observations in the concluding paragraph of the order.

Learned counsel for the appellants submits that, as a matter of fact, enquiry was not only initiated but respondent No.1 had also participated in the enquiry, which ultimately culminated in his dismissal and that the order of dismissal has not been challenged by respondent No.1 till this date. He submitted that respondent No.1 deliberately did not bring it to the notice of this Court when the writ petition was heard.

That being so and having regard to the direction issued by learned single Judge to reinstate respondent No.1, pending enquiry the question of completing the enquiry does not arise or cannot be given effect to. The impugned order, as a matter of fact, renders ineffective. It is needless to mention that if the respondent has any remedy against the order of dismissal, he may take such remedy, if he so desires and advised.

With these observations, the writ appeal is disposed of. Consequently, miscellaneous petitions, if any, also stand disposed of. No costs.

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**DILIP B. BHOSALE, J**

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**A. RAMALINGESWARA RAO, J**

10-02-2015

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