

THE HON'BLE SRI JUSTICE G. CHANDRAIAH

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AND

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THE HON'BLE SRI JUSTICE U. DURGA PRASAD RAO

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WRIT PETITION No. 1540 of 2005

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ORDER: (per Hon'ble Sri Justice G. Chandraiah)

The respondent-employee who was a Police Constable of Medak District, was dismissed from service by orders dated 16.10.2004 on the grounds of unauthorised absence and desertion. The respondent approached the Andhra Pradesh Administrative Tribunal by way of filing O.A.No.6239 of 2004. The Tribunal disposed of the O.A. by orders dated 17.11.2004, observing at Paragraph 9 as under:

“Further, it is seen that these impugned orders were issued by the Superintendent of Police under A.P.C.S. (CC&A) Rules. That being the case, the very same rules also provide for appeal under Rule 34 of A.P.C.S. (CC&A) Rules. In view of this, the applicant is directed to prefer an appeal to the D.I.G., of Police concerned within a fortnight and till such statutory appeal is disposed of by the D.I.G., of Police, the impugned orders shall be suspended and the applicant shall be continued in service. It is also further made clear that the D.I.G., of Police shall verify all the records and take a judicious view and pass speaking orders.”

2. A perusal of the extracted portion of the Tribunal's order would show that, as an appeal remedy was available to the respondent-employee an opportunity was given to him to avail the appeal remedy within a fortnight and till the statutory appeal is disposed of by the DIG of Police, the dismissal orders dated 16.10.2004 were suspended. Questioning the orders of the Tribunal, the State preferred this writ petition.

3. This Court, while admitting the writ petition on 08.02.2005,

passed orders in WPMP No.2060 of 2005 granting interim stay so far as suspension of the dismissal orders dated 16.10.2004 are concerned.

4. The respondent-employee moved a vacate petition in WVMP No.2071 of 2005 on 05.12.2005 but the same was not disposed of as there was no representation for the vacate petitioner on that day, and this Court directed the Registry to post the vacate petition along with the writ petition for final hearing in usual course.

5. Though in the vacate petition it is stated that the respondent-employee filed an appeal, it is not known as to what is the action taken by the appellate authority and also what is the status of the appeal.

6. Hence, in the facts and circumstances of the case, we deem it appropriate to dispose of the writ petition with the following directions:

- (i) If the appeal has already been disposed of, and if the respondent-employee is aggrieved of the orders in the appeal, he is given liberty to workout the remedies available to him under law.
- (ii) If the appeal is still pending on the file of the appellate authority, the appellate authority is directed to dispose of the appeal, as expeditiously as possible, at any rate not later than two months from the date of receipt of a copy of this order, after serving notice on the respondent-employee.
- (iii) If the appeal is not disposed of within two months as directed above, the respondent-employee shall be reinstated into service.

7. With the above directions, the writ petition is disposed of. No costs. Miscellaneous petitions, if any pending, shall stand closed.

G. CHANDRAIAH, J

U. DURGA PRASAD RAO, J

01st December, 2015

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