

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH

Writ Petition No.24908 of 2015

Between:

M.M.Maqbul Basha

...Petitioner

And:

Kurnool District Milk Producers Mutually Aided
Coop.Union Ltd., Nandyal, Kurnool District, rep. by its
Managing Director & others

... Respondents

DATE OF JUDGMENT PRONOUNCED: 10.08.2015

SUBMITTED FOR APPROVAL:-

THE HON'BLE SRI JUSTICE R. KANTHA RAO

1. Whether Reporters of Local newspapers may Yes/No
be allowed to see the Judgments?
2. Whether the Copies of Judgment may Yes/No
be marked to Law Reporters/Journals
3. Whether Their Lordship wish to see the Yes/No
fair copy of the Judgment?

HON'BLE SRI JUSTICE R. KANTHA RAO

Writ Petition No.24908 of 2015

ORDER:

Heard Sri V. Maheswar Reddy, learned counsel appearing for
the petitioner and the learned Government Pleader for Animal
Husbandry.

2. The petitioner is a driver in the 1st respondent Union. Vide

proceedings dated 27.11.2014, the petitioner was kept under suspension on the allegation that he attended the duties on 07.11.2014 in a drunken condition. The suspension order was passed basing on the report submitted by the Manager, Kurnool Dairy. Subsequently, disciplinary proceedings were initiated against the petitioner on the above charge by calling for his explanation. The petitioner submitted his explanation. Thereafter, an enquiry was conducted and the Enquiry Officer submitted his report finding the petitioner guilty. On receiving the enquiry report, the Disciplinary Authority passed impugned orders dated 09.03.2015 dismissing the petitioner from service. Challenging the said order, the petitioner filed the present writ petition.

3. It is contended by the learned counsel appearing for the petitioner that the Enquiry Officer has not based his enquiry on the evidence which was taken at the time of enquiry, the Enquiry Officer recorded only the sworn statements of the witnesses and the enquiry was conducted in gross violation of the principles of natural justice and therefore, it is vitiated. However, the petitioner preferred an appeal to the 2nd respondent on 03.07.2015 by availing the alternative remedy of appeal and the same is pending before the Appellate Authority.

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4. Under these circumstances, the 2nd respondent-Appellate Authority is directed to dispose of the appeal/representation dated 03.07.2015 filed by the petitioner and pass appropriate orders thereon, in accordance with the Rules, after affording opportunity of hearing to the petitioner and considering his explanation, within a period of eight (8) weeks from the date of receipt of a copy of this order.

5. The writ petition is accordingly disposed of. No order as to costs. Pending miscellaneous petitions, if any, in this writ petition, shall stand closed.

Date: 10.08.2015
BSS

R. KANTHA RAO, J

HON’BLE SRI JUSTICE R. KANTHA RAO

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Date: 10.08.2015

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