

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

WEDNESDAY, THE THIRTIETH DAY OF DECEMBER TWO
THOUSAND AND FIFTEEN

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Present

HON'BLE SRI JUSTICE P.NAVEEN RAO

-
WRIT PETITION No.41633 of 2015

Between:

G. Sivananda Reddy,
S/o. G. Pulla Reddy,
Aged about 27 years,
Occ: Field Assistant,
R/o. Chillavaripalli Gram Panchayat,
Tadimarri Mandal,
Anantapuram District.

.. Petitioner

AND

The State of Andhra Pradesh,
Rep. by its Principal Secretary,
Panchayat Raj Department,
Secretariat Buildings,
Hyderabad & 3 others

.. Respondents

The Court made the following:

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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ORDER:

The petitioner is a Field Assistant. As a consequence to the disciplinary proceedings initiated against him by order, dated 20.08.2015, services of the petitioner were removed. Challenging the said order, this writ petition is filed.

2. Learned counsel for the petitioner would contend that the explanation filed by the petitioner was not properly appreciated and his explanation is rejected without assigning proper reasons.

3. Learned Special Counsel for the 3rd respondent contended that as per the Field Assistants Human Resources Policy, an appeal shall lie to the District Collector against the order of removal passed by the Project Director. In the instant case, the petitioner ought to have availed the remedy of appeal without directly invoking the jurisdiction of this Court.

4. *Prima facie*, on a reading of the order, it cannot be said that the order is not a speaking order. If it is the case of the petitioner that the Project Director has not considered the explanation of the petitioner in right perspective, it is always open to him to raise those contentions in the appeal provided to him under the Human Resources Policy. Without exhausting the

remedy of appeal, this writ petition is instituted. When the petitioner has an effective remedy of appeal provided under the Human Resources Policy by which he was appointed, the writ petition is not maintainable. It cannot be said that the remedy of appeal provided by the policy is not an effective and efficacious remedy warranting interference of this Court at this stage.

5. Thus, the Writ Petition is dismissed, leaving it open to the petitioner to avail the remedy of appeal which shall lie to the District Collector, Anantapuram, Anantapuram District (2nd respondent), against the order of removal passed by the Project Director, District Water Management Corporation, Anantapuram, Anantapuram District (3rd respondent), dated 20.08.2015. As and when such an appeal is filed, the District Collector shall consider the same objectively and pass appropriate orders, as warranted by law, within a period of eight (8) weeks from the date of receipt of copy of this order. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

P.NAVEEN RAO, J

Date: 30th December, 2015

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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