

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 12563 of 2015

ORDER:

The petitioner is aggrieved of the action of the 1st respondent-appellate authority in not passing orders in the appeal filed by him against the orders of the 2nd respondent, dated 15.12.2013.

2. It is the case of the petitioner that he is working as Deputy Executive Engineer in the Water Resources Department, and that he belongs to 'Budaga Jangam' caste which comes under the Scheduled Caste Category. He states that the authorities have issued Caste Certificate after conducting due enquiry. While so, on certain complaints received by the Irrigation Department, the 2nd respondent issued Notice dated 12.11.2013 to the petitioner, to which the petitioner submitted his explanation by enclosing all the material available. But, the 2nd respondent issued proceedings dated 15.12.2013 cancelling the Caste Certificate of the petitioner, but it was mentioned in the said proceedings that the cancellation is subject to the orders passed by this Court in W.P.No.32396 of 2010; and against the said proceedings dated 15.12.2013, an appeal lies to the Government. The petitioner filed an appeal before the 1st respondent on 01.01.2014 challenging the proceedings of the 2nd respondent, dated 15.12.2013, and along with the appeal, he filed a stay application seeking stay of the proceedings dated 15.12.2013. The petitioner's grievance is that the 1st respondent has neither disposed of the stay application nor the appeal till date.

3. Heard learned counsel for the petitioner and the learned Government Pleader.

4. Considering the fact that the appeal as well as the stay application are pending before the 1st respondent, this writ petition can be disposed of by directing the 1st respondent to dispose of the stay application, or preferably the appeal itself, within a period of eight weeks from today. Till such time the stay petition or the appeal, whichever is earlier, is disposed of, there shall be stay of operation of proceedings dated 15.12.2013 issued by the 2nd respondent.

5. With the above direction, the writ petition is disposed of. No costs.

Miscellaneous petitions, if any pending in this writ petition, shall stand closed.

CHALLA KODANDA RAM, J

27th April, 2015

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