

THE HON'BLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION No.13296 of 2016

ORDER:

This writ petition, filed under Article 226 of the Constitution of India, challenges the order of termination passed by the Project Director and Joint Secretary, District Water Management Society, East Godavari District – 4th respondent herein vide Notice No.A2/18/S.A./DWAMA/2014, dated 06-02-2015.

Heard Sri B.S.S. Prasad, learned counsel for the petitioner and learned Government Pleaders for Panchayat Raj and Rural Development for respondents.

According to learned counsel for the petitioner, the petitioner herein was working as Field Assistant at Aryavatam village, Kajuluru Mandal, East Godavari District. The 4th respondent – Project Director by virtue of an order, dated 06-02-2015 terminated the services of the petitioner herein. According to the learned counsel for the petitioner, the petitioner herein submitted an appeal on 23-02-2015 before the 3rd respondent – District Collector and the said appeal is pending consideration. It is also stated by learned counsel that subsequently on 21-03-2016 the petitioner herein approached the District Collector in Praja Vaani Programme and submitted a representation requesting for continuation of services of the petitioner.

On the contrary, It is submitted by learned Government Pleaders for respondents that there is no evidence placed on

record to show that the petitioner herein preferred appeal against the orders of termination.

According to the learned counsel for the petitioner, though the petitioner herein filed an appeal on 23-02-2015 there is no acknowledgment available with the petitioner and while saying so it is requested by learned counsel for the petitioner that petitioner may be permitted to submit an appeal afresh before the 3rd respondent – District Collector and the same may be directed to be disposed of by fixing some timeframe. It is also submitted by learned counsel for the petitioner herein that the subject post is still vacant.

Having regard to the nature of controversy and taking into consideration the facts and circumstances of the case, this Court is of the considered opinion that the ends of justice would be served if the petitioner herein is permitted to file appeal afresh before the 3rd respondent against the orders of the 4th respondent by granting some time.

For the aforesaid reasons, the writ petition is disposed of, keeping it open for the petitioner herein to file an appeal against the orders of termination passed by the 4th respondent vide Notice No.A2/18/S.A./DWAMA/2014, dated 06-02-2015, within a period of one month from the date of receipt of a copy of this order and if any such appeal is filed, within the time stipulated, same be considered and appropriate orders be passed, as per law, within a period of three (3) months thereafter.

There shall be no order as to costs.

A.V. SSHA SAI, J

April 25, 2016

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