

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

W.P.No.9900 of 2016

Oral Order:

This Writ Petition is filed under Article 226 of the Constitution of India for the following relief :

“ It is therefore prayed that this Honourable Court may be pleased to issue a Writ or Direction particularly in the nature of Writ of Mandamus declaring the Depot Manager, Kurnool-1 proceedings No.E1/1(02)/2015-Knl dt.14.3.2016 of the respondent is illegal, arbitrary, unconstitutional and against the principles of natural justice and pass such other order or orders as this Hon’ble High Court deems fit and proper in the circumstances of the case.”

The petitioner herein was appointed as a driver in the respondent-Corporation. Followed by an enquiry the petitioner was removed from service by proceedings dated 14.3.2016 by the respondent-Depot Manager, Kurnool.

When the matter is taken up for consideration, a preliminary objection with regard to the maintainability of the writ petition has been raised by Sri A. Rama Rao, learned Standing Counsel, appearing for the respondent-Corporation, stating that as against the impugned orders, appeal lies to the Dy. Chief Traffic Manager, Kurnool and that without availing the said remedy, the present writ petition has been filed by the petitioner herein.

In view of availability of efficacious alternative

remedy of appeal to the Dy. Chief Traffic Manager, Kurnool against the impugned orders, this Court is not inclined to entertain the writ petition under Article 226 of the Constitution of India. Accordingly, the Writ Petition is dismissed, leaving it open to the petitioner to prefer appeal before the appellate authority as per the regulations of the respondent-Corporation, and if such an appeal is preferred by the petitioner, the same be considered and disposed of within a period of two months from the date of such filing. Miscellaneous petitions pending, if any, shall stand closed. No costs.

JUSTICE

A.V.SESHA SAI

Dt: 28.3.2016

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