

HON'BLE SRI JUSTICE S.V.BHATT

W.P.No.39996 OF 2016

ORDER:

Heard Mr.Arun Kumar for petitioner and Mr.Narender Reddy for 2nd respondent.

The petitioner prays for Mandamus and to set aside the communication dated 19.08.2015, as illegal, arbitrary and beyond jurisdiction.

The principal ground on which the communication dated 19.08.2015 is challenged by the petitioner is that the communication covers more charges than what is stated in the show cause notice dated 16.02.2015. According to petitioner, if the reply given on 17.06.2015 is properly appreciated, the 2nd respondent can pass appropriate orders within its jurisdiction.

Learned standing counsel after perusing the show cause notice, reply of petitioner and the communication dated 19.08.2015 submits that the communication dated 19.08.2015 travels beyond the charges originally levelled against the petitioner. Therefore, the communication dated 19.08.2015 may be set aside and the matter remitted to 2nd respondent for consideration afresh.

To shorten litigation and to allow 2nd respondent to consider all aspects and take a decision, by placing on record the statement of standing counsel, the communication dated 19.08.2015 is set aside and the matter remitted to 2nd respondent for consideration and disposal afresh.

The writ petition is ordered accordingly. No order as to costs.

Miscellaneous petitions pending if any shall stand closed.

Date: 21.11.2016
Sp

S. V. BHATT, J

