

HONOURABLE SRI JUSTICE S.RAVI KUMAR

WRIT PETITION No.3269 OF 2003

Dated 20-1-2016

Between:

G.Prabhakar Rao (died) and others.

..Petitioners.

And:

The Appellate Authority under A.P.Shops and
Establishments Act/Deputy Commissioner of Labour, Zone-
II, Eluru, W.G. District and others.

..Respondents.

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ORDER:

This writ petition is filed to issue writ of mandamus declaring the order dated 18-11-2000 in A.P.S.A.No.6 of 2000 on the file of first respondent as illegal, arbitrary and consequently to set side the same. Petitioners 2 to 4 are brought on record as L.Rs. of deceased 1st petitioner as per orders in W.P.M.P.No.13743 of 2009 dated 4-6-2009.

First petitioner herein was accountant in 3rd respondent Bank at Sathrampadu Branch. While so, proceedings were initiated against him alleging certain irregularities, on that he was placed under suspension with effect from 22-5-1995 and thereafter, a charge sheet was issued on 24-7-1995 for which 1st petitioner submitted his explanation. Thereafter, domestic enquiry was conducted by the Assistant General Manager on 6-10-1995 and 7-11-1995 who submitted his report to 3rd respondent on 14-11-1995.

First petitioner submitted a detailed explanation for the enquiry report. Thereafter, authorities passed dismissal order on 18-9-1998 dismissing the 1st petitioner from service. First petitioner filed application under Section 50 of

A.P.Establishment Act before competent authority seeking payment of differential wages, during pendency of the same, 3rd respondent passed dismissal order. First petitioner filed appeal before competent authority under Section 48 of A.P.Shops and Establishments Act and Assistant Commissioner of Labour, West Godavari has allowed the appeal holding that the dismissal order was passed in a hurried manner and directed reinstatement with continuity of service, back wages and other attendant benefits. As against that, the 3rd respondent herein filed a writ before this court in W.P.No.22675 of 1999 and 22693 of 1999 and both writ petitions were dismissed by common judgment dated 1-11-1999 directing 3rd respondent i.e., petitioner in the writs to approach the first respondent herein by way of appeal. Third respondent herein preferred appeal before the

1st respondent and 1st respondent erroneously passed impugned order dated 18-11-2000 in A.P.S.A.No.6 of 2000.

Advocate for writ petitioner submitted that first respondent disposed of A.P.S.A.No.6 of 2000 but order is only in nature of interim order and on that ground itself, disposal order is liable to be set aside. He further submitted that criminal case was also registered against the 1st petitioner for misappropriation and it was pending by the date 1st respondent passed the impugned order. In the impugned order, 1st respondent held that the terminal order shall be stayed till the finalization of the criminal case.

He further submitted that the criminal case is closed due to death of first petitioner herein as abated and in view of the same, second respondent has to pass appropriate orders and therefore, this writ petition can be disposed of directing the second respondent to pass appropriate orders in the light of the orders of the first respondent dated 22-9-1999.

Considering the submissions of advocate for writ petitioners and also considering the facts of the case, this writ petition is disposed of directing the second respondent

to pass appropriate orders in terms of orders dated 22-9-1999 as expeditiously as possible. No costs.

As a sequel to the disposal of this writ petition, Miscellaneous Petitions, if any, pending, shall stand dismissed.

JUSTICE S.RAVI
KUMAR

Dated 20-1-2016.

Dvs.

HONOURABLE SRI JUSTICE S.RAVI KUMAR

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