

**IN THE HIGH COURT OF JUDICATURE, AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA
PRADESH**

HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION NO. 1154 OF 2016

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Between:

M. Hanumanth Rao S/o Nageshwar Rao

....Petitioner

A n d

State of Andhra Pradesh represented by its Secretary and three others

....Respondents

DATE OF ORDER: 18.01.2016

HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION NO. 1154 OF 2016

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ORDER:

Disciplinary action taken against the petitioner resulted in imposing the punishment of Censure and a direction to remit an amount of Rs. 73,860/- with 12% interest. Against an order of the Executive Director of the A.P. State Housing Corporation Limited, Guntur District (3rd respondent), an appeal shall lie to the Managing Director. It appears that so far, no such appeal is filed and directly the writ petition is filed in this Court.

2. In para 11 of the affidavit, it is contended that though appeal lies to the Managing Director, no useful purpose would be served by filing such an appeal since the proceedings were initiated against the petitioner on the basis of complaints given by political leaders and the proceedings are conducted under the guidelines of higher officials and politically motivated persons. These averments are also vague. It is not stated as to which political leader was concerned to take action against the petitioner and how orders are passed by the higher officials.

3. From the reading of the affidavit, it does not appear that the petitioner alleges a prior involvement of the Managing Director and, therefore, no useful purpose would be served by filing an appeal before the Managing Director. Unless, it is specifically contended that some influential person is behind the back to take action against the petitioner by impleading the said person, based on vague allegations the writ petition cannot be entertained when remedy of appeal is available to the petitioner.

4. Thus, the Writ Petition is dismissed at this stage, granting liberty to the petitioner to avail the remedy of appeal as available as per the Service Regulations governing the petitioner's conditions of service

and further liberty is granted to the petitioner to raise all the contentions as available to the petitioner including the averments made in the affidavit filed in support of the writ petition. It is needless to observe that as and when such an appeal is filed, the appellate authority shall objectively consider the appeal and pass appropriate orders by duly assigning the reasons on the contentions urged, as expeditiously as possible, preferably within a period of eight (8) weeks from the date of receipt of such appeal. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

P. NAVEEN RAO, J

Date: 18.1.2016
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