

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.34128 OF 2016

ORDER:

This writ petition is filed seeking to issue a writ or order more particularly, one in the nature of writ of *mandamus* to declare the action of respondent Nos.1 and 2 in not considering and passing orders on the petition, dated 22.8.2016, to suspend the operation of proceedings in R.Dis.No.C4/2425/2014, dated 5.7.2016, of respondent No.3 i.e., The Collector and District Magistrate, Karimnagar pending disposal of appeal filed before respondent No.2, dated 22.8.2016, referred to in Memo No. 2237/BCW/OP/2016, dated 6.9.2016, as illegal and arbitrary.

2. Heard and perused the material available on record.
3. It is the case of the petitioner that respondent No.4 belongs to Open Category (O.C.), but he was selected as Panchayat Secretary, Grade-IV in the category of Backward Class-E (BC-E). Respondent No.3 also issued proceedings, dated 5.7.2016, declaring that respondent No.4 belongs to "BC-E" community. Challenging the same, the petitioner preferred an appeal before respondent No.2 along with a petition to suspend the operation of the proceedings, dated 5.7.2016, and the same are pending.
4. The main grievance of the petitioner is that respondent Nos.1 and 2 are not passing any orders on the petition, dated 22.8.2016, which was filed to suspend the operation of proceedings in R.Dis.No.C4/2425/2014, dated 5.7.2016, of respondent No.3

pending disposal of the appeal filed before respondent No.2 on 22.8.2016.

5. Considering all the facts and circumstances of the case, without going into the merits of the case, this Court is of the view that the writ petition can be disposed of with the following direction:

Respondent Nos.1 and 2 are hereby directed to dispose of the appeal preferred by the petitioner on 22.8.2016 within a period of three (3) months from the date of receipt of a copy of this order. Till then, the proceedings issued by respondent No.3 in R.Dis.No.C4/2425/2014, dated 5.7.2016, are suspended. It is made clear that respondent Nos.1 and 2 shall dispose of the appeal on its own merits without being influenced by the suspension granted by this Court.

6. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

7. Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

JUSTICE RAJA ELANGO

18.10.2016
AMD

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Date: 18.10.2016

AMD