

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

W.P.NO.1244 OF 2016

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ORDER:

This writ petition is filed under Article 226 of the Constitution of India for the following relief :

“to issue an order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of respondent Board in not considering the case of the petitioner to posting him in any one of the vacancies existing neither in West Godavari District nor in the East Godavari District in the cadre of Senior Grading Officer on the alleged ground that the C.C.No.2/11 is pending before the CBI Court, Visakhapatnam (though charge sheet has been filed) is illegal arbitrary and violative of Articles 14 and 21 of Constitution of India apart from totally non-application of mind and consequently direct the respondent Board to consider case of the petitioner to posting the petitioner in any one of the existing vacancies either in East Godavari or West Godavari District without taking into consideration that the CBI case is pending.”

The petitioner herein is presently working as Senior Grading Officer/Auction Superintendent, Tobacco Board at D.C. Pally, Maddipadu Mandal, Nellore District. He is facing prosecution in C.C.No.2/11 on the file of the CBI Special Court at Visakhapatnam. The petitioner herein submitted a representation dated 14-12-2015, requesting for posting at a nearby station so as to enable him to attend the Court. In the said representation he also stated about the health condition of his old-aged mother. The grievance in the present writ petition is non-consideration of the said representation dated 14-12-2015 submitted by the petitioner to the Respondent.

A counter-affidavit is filed on behalf of the respondent stating

that all the witnesses belong to East and West Godavari Districts. During the course of hearing it is stated by the learned Standing Counsel for the Respondent that it may not be desirable to consider the request of the petitioner herein to post him either in East Godavari District or West Godavari District.

It is submitted by the learned counsel for the petitioner during the course of hearing that in the above said C.C.No.2/11, prosecution already filed a charge-sheet and the petitioner herein may be permitted to make a fresh representation to the authorities to consider the request of the petitioner for posting in some other nearby districts. This Court considers the said request as reasonable, having regard to the facts and circumstances of the case.

For the aforesaid reasons, the Writ Petition stands disposed of permitting the petitioner to make a representation to the respondent with necessary request within a period of two weeks from the date of receipt of a copy of this order. If any such representation is made, the same may be considered and appropriate orders be passed in accordance with law within a period of two weeks thereafter. There shall be no order as to costs.

Pending miscellaneous petitions in this writ petition, if any, shall stand dismissed in consequence.

A.V.SESHA SAI, J

26.02.2016
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