

HONOURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No. 9954 of 2016

DATED 29th MARCH, 2016

BETWEEN

Vallepogu Rani

....Petitioner

And

State of Andhra Pradesh, represented by
Its Principal Secretary, Panchayat Raj and Rural Development,
Secretariat, Hyderabad and ors.

....Respondents.

HONOURABLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No. 9954 of 2016.

ORDER:

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Heard Sri D.Kodanda Rami Reddy, learned Counsel for the petitioner, learned Government Pleader for Panchayat Raj and Rural Development appearing on behalf of Respondents 1 and 2 and Sri M.S.R Murthy, learned Standing Counsel appearing for the third respondent.

The Project Director, District Water Management Agency, third respondent herein, by virtue of order vide proceedings Rc.No.C9/4542/Ramapuram(M)/SSA/2014, dated 5.5.2015 terminated the services of the petitioner, who was working as Field Assistant, and directed to remit Rs.77,539/- to CRD account through Demand Draft. Aggrieved by the said order, the petitioner herein preferred an appeal before the second respondent-District Collector/Chairman, District Water Management Agency on 27.06.2015. It is the case of the petitioner herein that though the

said appeal was filed as long back as on 27.06.2015, no orders have been passed by the second respondent and on account of the same, the petitioner is sustaining irreparable loss. It is the further case of the petitioner that the respondent authorities are taking steps to recover the amount from her as per the impugned order, pending appeal.

On the contrary, it is submitted by the learned Standing Counsel appearing for Respondents 2 and 3 that having filed an appeal before the appellant authority-second respondent, it is not open for the petitioner to file the present Writ Petition under Article 226 of the Constitution of India questioning the order of termination dated 5.5.2015 passed by the third respondent.

In the instant case, according to the learned Counsel for the petitioner, the appeal preferred by the petitioner is pending consideration before the second respondent and no orders have been passed as of today.

Since the petitioner herein filed the said appeal as long as back on 27.06.2015, it is not justifiable for the second respondent-appellate authority to keep the appeal pending for longer time. Having regard to the facts and circumstances of the case, it is in the considered opinion of this Court that ends of justice would be served if the second respondent-appellate authority is directed to consider and dispose of the appeal stated to have been filed by the petitioner on 27.06.2015, on merits and in accordance with law, within a period of two months from the date of receipt of a copy of this order. Till the said exercise attains finality, no coercive action for recovery of the amount shall be taken against the petitioner. Accordingly the Writ Petition is disposed of.

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Miscellaneous petitions pending consideration if any in the

Writ Petition shall stand closed in consequence. No order as to costs.

JUSTICE A.V.SESHA SAI

DATED 29TH MARCH, 2016.
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