

HONOURABLE SRI JUSTICE M.S.K.JAISWAL

WRIT PETITION No.12691 of 2004

ORDER:

This Writ Petition is filed challenging the proceedings No. S.II (I)/153/99 dated 26.06.2004 on the file of the respondent.

The Writ Petitioner was working as Associate Professor in the Department of Industrial Relations and Personnel Management of Andhra University. His services were terminated with effect from the forenoon of 16-03-2002 as per the proceedings of the District Collector, Visakhapatnam, dated 01-11-2001 to the effect that he does not belong to S.T. category. He was, however, reinstated during the pendency of his appeal before the Secretary to Government, Social Welfare Department, Hyderabad. Subsequently, the Government issued G.O.Ms.No.32, Social Welfare (CV-2) Department dated 29-05-2003 rejecting the appeal filed by the writ petitioner and confirming the proceedings of the District Collector, Visakhapatnam, dated 01-11-2001. In pursuance of the said Government Order, the respondent issued the impugned proceedings dated 26.06.2004 terminating the services of the writ petitioner with effect from the forenoon of 26-06-2004. During the pendency of the writ petition, the operation of the impugned order was suspended, pursuant to which the writ petitioner has been continuing in service and it is stated that as at present he is working as a Professor.

The proceedings of the District Collector, Visakhapatnam, dated 01-11-2001 and G.O.Ms.No.32, Social Welfare (CV-2) Department dated 29-05-2003 were challenged by the writ petitioner in W.P.No.11053 of 2004. By judgment dated 02-04-2013, after taking into consideration the entire material on record,

this Court has set aside and quashed the aforesaid Government Order and the proceedings of the District Collector, Visakhapatnam.

In view of the above, the basis on which the writ petitioner was removed from service stood quashed and set aside and, therefore, the impugned order dated 26-06-2004, which was issued in pursuance of the Government Order and the proceedings of the District Collector, Visakhapatnam, referred to above, do not stand and the same is liable to be set aside.

Therefore, the Writ Petitioner is entitled to the relief as prayed for quashing the impugned proceedings dated 26-06-2004. It is needless to say that the writ petitioner, who has been continuing in service in pursuance of the interim order of this Court dated 22-07-2004, is entitled to all the consequential benefits to which he is entitled to as per rules.

Accordingly, the Writ Petition is allowed without costs.

Miscellaneous petitions, if any, pending shall stand closed.

M.S.K.JAISWAL, J

08-02-2016
Gsn