

HONOURABLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.40798 of 2015

ORDER:

1. The petitioner was appointed as a Contract Conductor in the A.P.S.R.T.C., Kalyandurg, Anantapur District. But, she did not attend the duties as Conductor from 25.09.2012 and the authorities issued a charge sheet on 03.01.2013 for her unauthorized absence. She states that she could not submit her explanation as she was taking bed rest. An Enquiry Officer was appointed and he submitted a report on 24.01.2014 holding that the charge of unauthorized absence was proved. A show cause notice was issued on 21.03.2013 by the 4th respondent and ultimately an order of termination was issued on 28.03.2013. The order of termination was not received by the petitioner. However, when she came to know of the same, she preferred an appeal to the 3rd respondent on 13.06.2014. The 3rd respondent, by order dated 09.09.2014, rejected the appeal solely on the ground that it was time barred. Challenging the same, the present writ petition is filed.

2. In spite of granting number of adjournments, no counter-affidavit is filed by the respondents.

3. A perusal of the order under appeal shows that the appeal has to be filed within two months, but the appeal was not filed within the said time. The appeal was rejected solely on the ground that it was time barred without considering the surrounding circumstances leading to filing of the appeal with delay. It is the case of the petitioner that she has not received the order of termination. The order of termination was passed on 28.03.2013 and the appeal was filed on 19.06.2014. But, in view of the fact that the petitioner was taking bed rest and other circumstances disabling her from filing the appeal within the prescribed time, this Court is inclined to allow the Writ Petition by setting aside the impugned order dated 09.09.2014 passed by the 3rd respondent and remanding the matter to the 3rd respondent for consideration of the appeal, on merits, in

accordance with law, within a period of three months from the date of receipt of a copy of this order. It is needless to observe that the delay in preferring the appeal by the petitioner is condoned and the 3rd respondent is directed to go ahead with the appeal on merits.

4. The Writ Petition is accordingly allowed. No order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

A.RAMALINGESWARA RAO, J

02-08-2016

Gsn