

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.25541 of 2016

ORDER:

Petitioner is working as Multipurpose Health Worker in Tirumala Health Office, Tirumala, Chittoor District for the past 20 years. While so, she has become sick and was not in a position to walk. Her husband was also suffering with health ailments. In those circumstances, the petitioner absconded from duties for the period from 25.01.2014 to 07.01.2015 and when she wanted to rejoin the duty along with medical certificates, she was not permitted to join the duty. A show cause notice was issued to the petitioner on 11.06.2015 treating her absence as her resignation from service. When she did not submit any reply, a final order was passed on 04.08.2015 treating the petitioner as resigned from service. In the final order, though the petitioner was given time of 90 days for filing appeal, she did not do so and instead, filed the present writ petition treating the said order as show cause notice.

3. A perusal of the order dated 04.08.2015 clearly shows that it is a final order treating the absence of the petitioner from duty on her own as deemed resignation and she was given 90 days time to file appeal to the competent authority as per Section 120 (1) of the A.P. Charitable and Hindu Religious Institutions and Endowments Act (Act 30 of 1987). But, she did not file appeal and filed the present writ petition. Though this Court is not inclined to show any leniency to the petitioner, in view of the nature of her duties and her alleged ailments, this Court is inclined to grant permission to the petitioner to file appeal to the competent authority within one week from today. The petitioner is at liberty to file the appeal without waiting for copy of this order, as this order is passed in the presence of the counsel appearing for the petitioner. It is needless to say that when the petitioner files an appeal to the competent authority, he shall pass appropriate orders thereon within a period of 90 days, by taking into consideration the past services and the position held by the

petitioner.

4. The writ petition is, accordingly, disposed of. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

A.RAMALINGESWARA RAO, J

Date: 01.08.2016

Note: Issue CC by 02.08.2016

B/o. TJMR