

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

WRIT PETITION No.6370 OF 2016

ORDER:

This Writ Petition is filed under Article 226 of the Constitution of India for the following relief:

“to issue a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus, declaring the action of the 3rd respondent in terminating the petitioner as Technical Assistant of Kodepi Village and Mandal, Prakasam District, through proceedings Rc.No.D4/237/2011, dated 31.03.2011 by terminating the petitioner to the post of Technical Assistant without considering the explanation as illegal, arbitrary and against the principles of natural justice and consequently set aside the same, and pass such other order or orders as this Hon'ble Court may deem fit and proper in the interest of justice.”

2. Heard Sri T.Niranjan, learned counsel, appearing for the petitioner and Sri M.S.Ramachandra Murthy, learned standing counsel, appearing for the respondents 3 and 4 and learned Government Pleader for Panchayat Raj and Rural Development.

3. During the course of hearing, it is submitted by learned counsel for the petitioner that as against the order of termination passed by the Project Director vide Proceedings Rc.No.D4/237/2011, dated 31.03.2011, the petitioner preferred appeal before the 2nd respondent and the same is pending consideration and no orders have been passed so far and necessary directions may be issued to the 2nd respondent to pass appropriate orders on the said appeal.

3. On the contrary, it is submitted by the learned standing counsel for 3rd and 4th respondent that as per the circulars, the appeal lies against the orders of Project Director within 30 days.

4. Having regard to the facts and circumstances of the case, this Court deems it appropriate to dispose of the writ petition with a direction to the 2nd respondent to pass appropriate orders on the appeal said to have been filed by the petitioner against the order of termination issued by the 3rd respondent vide proceedings Rc.No.D4/237/2011, dated 31.03.2011, by fixing some timeframe.

5. For the aforesaid reasons, Writ Petition is disposed of, without expressing any opinion on the merits and demerits of the matter, directing the 2nd respondent to pass appropriate orders on the appeal filed by the petitioner against the order of termination issued by the 3rd respondent vide proceedings Rc.No.D4/237/2011 dated 31.03.2011, in accordance with law, within a period of two months from the date of receipt of a copy of this order.

6. Miscellaneous petitions pending consideration, if any, in the Writ Petition shall stand closed in consequence. No order as to costs.

A.V.SESHA SAI, J

29.02.2016
SS