

**THE HON'BLE SRI JUSTICE C.V.NAGARJUNA
REDDY**

**AND
THE HON'BLE SRI JUSTICE M.S.K.JAISWAL**

WRIT PETITION No.12229 of 2016

**-
13.04.2016**

Between:

Dr.S.S.Jalal

...Petitioner

And

The State of Andhra Pradesh,
represented by its Principal Secretary,
Medical and Health Department, Hyderabad and others

...Respondents

Counsel for the petitioner: Mr.Siva Sankara Rao Borra

Counsel for respondent Nos.1 to 4: Government Pleader for Services
(AP)

Counsel for respondent No.5: --

The Court made the following:

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ORDER: (Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)

The petitioner is a retired professor of Philosophy in Dr.Alluru Ramalingaiah Government Homeopathy Medical College, Rajahmundry. He was subjected to criminal proceedings as well as disciplinary proceedings. While he was acquitted of the criminal charges, evidently on the same set of allegations, he has suffered the order in disciplinary proceedings, whereby the penalty of 100% cut in pension and gratuity was imposed. Feeling aggrieved by the same, he filed O.A.No.524 of 2011. As the petitioner went unrepresented before the Tribunal on 28.06.2013 and 03.07.2013, the O.A. was dismissed for default on 03.07.2013. The petitioner filed M.A.No.35 of 2014 for setting aside the default order and restoring the O.A. Ironically, even the said M.A. was dismissed for default on 14.07.2015. For setting aside the said default order, the petitioner filed M.A.No.2391 of 2015, which was dismissed by the Tribunal, by the impugned order, with the observation that the plea that the counsel was held up in High Court at Hyderabad when the O.A. was called on 28.06.2013 and 03.07.2013 was not substantiated by relevant details such as the number of the Court in which the counsel was held up.

While we see negligence on the part of the counsel in representing the petitioner before the Tribunal both in the O.A. and M.A.No.35 of 2014, we also cannot find fault with the reasoning of the Tribunal. But considering the fact that the petitioner suffered major penalty of 100% cut in his pension and gratuity, we feel that he deserves one more opportunity to pursue his O.A. on merits.

Therefore, we set aside the impugned order of the Tribunal and restore O.A.No.524 of 2011 to file on condition of the petitioner paying Rs.5,000/- (Rupees five thousand only) to the Chief Justice Relief Fund of the High Court at Hyderabad within a period of two weeks from today.

The Writ Petition is, accordingly, allowed.

As a sequel to allowing the writ petition, W.P.M.P.No.15330 of 2016 filed by the petitioner for interim relief shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

M.S.K.JAISWAL, J

13th April, 2016
GHN