

THE HON' BLE SRI JUSTICE M. SEETHARAMA MURTI

Writ Petition No.9587 of 2010

ORDER:

In this writ petition by the petitioner under Article 226 of the Constitution of India, the challenge is to the letter in D.O.Letter No.E4/ E5/ 255(18)PM(T) dated 21.12.2009.

I have heard the submissions of the learned counsel for the petitioner and the learned Standing Counsel appearing for the respondents 1 and 2. I have perused the material record.

Perusal of the letter under challenge would show that the said letter was addressed by the Regional Manager, Tirupati, to the Depot Manager, Palamaner, advising the Depot Manager to take action to withdraw the special grade sanctioned to the writ petitioner of the said Palamaner depot and submit remarks for delay. The writ petitioner could not bring to the notice of the Court any subsequent order passed by the Depot Manager, Palamaner, whereby the special grade sanctioned to the writ petitioner is withdrawn. However, by an interim order dated 27.04.2010, this Court granted interim suspension of the letter. Be that as it may.

As fairly conceded before this court, the writ petitioner ought to have challenged a consequential order, if any, passed pursuant to the letter dated 21.12.2009 referred to supra and not the correspondence between the Regional Manager, Tirupati, and the Depot Manager, Palamaner.

Viewed thus, this Court finds that this writ petition is misconceived and is liable for dismissal.

Accordingly, the Writ Petition is dismissed; however giving liberty to the writ petitioner to pursue the remedies, which the law permits, to challenge any withdrawal order passed by the Depot Manager, Palamaner, withdrawing the special grade sanctioned to the writ petitioner, pursuant to the letter dated 21.12.2009, by following the procedure established by law.

Miscellaneous petitions pending, if any, in this writ petition shall also stand dismissed. No order as to costs.

M. SEETHARAMA MURTI, J

04.11.2016
Vjl