

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH**

**TUESDAY, THE FIFTH DAY OF JANUARY TWO
THOUSAND AND SIXTEEN**

Present

HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.41611 of 2015

Between:

Ch. Jayaraja Babu,
S/o. Somaiah, Hindu,
Aged 53 years, Occ: Asst. Engineer (H),
R/o. Durgi Post & Mandal,
Guntur District.

.. Petitioner

AND

State of A.P.,
Rep. by its Secretary,
Revenue Department,
Secretariat, Hyderabad & 3 others

.. Respondents

The Court made the following:

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HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.41611 of 2015

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ORDER:

Disciplinary action taken against the petitioner resulted in imposing the punishment of withholding of two increments with cumulative effect and a direction to remit an amount of Rs.50,000/- with 12% interest. Against an order of the Executive Director of the A.P. State Housing Corporation Limited, Guntur District (3rd respondent), an appeal shall lie to the Managing Director. A vague averment was made in para 5 of the affidavit that the petitioner made a representation to the Managing Director. Copy of such representation is not filed and no date is mentioned. When there is provision of preferring an appeal against an order of punishment, the aggrieved person has to prefer an appeal, but not a representation. It appears that so far, no such appeal is filed and directly the writ petition is filed in this Court.

2. In para 10 of the affidavit, it is contended that though appeal lies to the Managing Director, no useful purpose would be served by filing such an appeal since the proceedings were initiated against the petitioner on the basis of complaints given by political leaders and the proceedings are conducted under the guidelines of higher officials and politically motivated persons. These averments are also vague. It is not stated as to which

political leader was concerned to take action against the petitioner and how orders are passed by the higher officials.

3. From the reading of the affidavit, it does not appear that the petitioner alleges a prior involvement of the Managing Director and, therefore, no useful purpose would be served by filing an appeal before the Managing Director. On the contrary, in para 5 of the affidavit, the petitioner states that he filed the representation to the Managing Director. Unless, it is specifically contended that some influential person is behind the back to take action against the petitioner by impleading the said person, based on vague allegations the writ petition cannot be entertained when remedy of appeal is available to the petitioner.

4. Thus, the Writ Petition is dismissed at this stage, granting liberty to the petitioner to avail the remedy of appeal as available as per the Service Regulations governing the petitioner's conditions of service and further liberty is granted to the petitioner to raise all the contentions as available to the petitioner including the averments made in the affidavit filed in support of the writ petition. It is needless to observe that as and when such an appeal is filed, the appellate authority shall objectively consider the appeal and pass appropriate orders by duly assigning the reasons on the contentions urged, as expeditiously as possible, preferably within a period of eight (8) weeks from the date of receipt of such appeal. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

P.NAVEEN RAO, J

Date: 5th January, 2016

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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