

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND
HON'BLE SRI JUSTICE M.S.K.JAISWAL

WRIT PETITION No.11254 of 2016

Date:07.4.2016

Between:

J.Sudha, W/o Ravi Kumar

....Petitioner

And:

The High Court of Judicature at Hyderabad
for the State of Telangana and Andhra Pradesh,
Hyderabad, repled by its Registrar-Administration
and two others.

.....Respondents

Counsel for the petitioner: Mr. S.A.Razack

Counsel the Respondents: Mrs. Bobba Vijaya Lakshmi

The Court made the following:

ORDER: *(per Hon'ble Sri Justice C.V.Nagarjuna Reddy)*

The petitioner, who was working as Junior Assistant in respondent No.2-Unit, was unauthorizedly absent after overstaying the leave sanctioned in her favour from 02.02.2009 to 03.3.2009 and availing the extra-ordinary leave up to 30.10.2009. Therefore, departmental proceedings were initiated against her and articles of charges were framed, but, they could not be served on her as, she was absent in the address furnished by her. An *ex parte* enquiry was conducted by the enquiry officer, who submitted his report on 13.7.2010. Considering the enquiry report, respondent No.2 has issued show cause notice to the petitioner on 15.7.2010. The said notice was

returned unserved with endorsement that the whereabouts of the petitioner were not known. On 22.7.2010, Mr. B.Padmanabha, the maternal uncle of the petitioner, gave a written representation stating that he has no objection if the services of the petitioner were terminated as, she has gone to United States of America along with her husband long back, and on 24.7.2010, the grandfather of the petitioner has also given a statement before the enquiry officer that the whereabouts of his grand daughter were not known for a long time.

In the above facts and circumstances of the case, respondent No.2 has passed order, dated 30.9.2010, removing the petitioner for her unauthorized absence. Six long years after passing of the said order, the petitioner filed the present Writ Petition questioning the termination order.

The afore-mentioned facts of the case reveal that the petitioner not only absented herself unauthorizedly but also failed to participate in the enquiry and respond to the show cause notice, thereby allowing passing of the order of her removal. Even after her removal from service, she did not approach this Court for six long years. This conduct of the petitioner disentitles her to avail any legal remedy and that too, after a lapse of six years.

The Writ Petition is, therefore, liable to be dismissed both based on the conduct of the petitioner, which is unbecoming of a public servant, and also on the ground of uncondonable laches.

The Writ Petition is, accordingly, dismissed.

As a sequel to dismissal of the Writ Petition, WPMP.No.14254 of 2016 is dismissed as infructuous.

*JUSTICE C.V.NAGARJUNA
REDDY*

JUSTICE M.S.K.JAISWAL

07th April, 2016
DR