

HON'BLE SRI JUSTICE S.V.BHATT

W.P. No.5380 OF 2006

ORDER:

Petitioner prays for the following relief:

“...Respondents herein in imposing the punishment of removal from service vide Proc. No. 01/2(4)/2005-Banaganapalli dt. 24-8-2005, which was confirmed by the 1st Respondent herein in Proc.No. PA/19(260)/2005-RM(Q) dt. 25-10-2005 is unjust, arbitrary, contrary to circular instructions, contrary to well established principles of law and as such liable to be set aside in view of the acquittal of the petitioner by the JMFC, Koilakuntla dt.27-2-2006 in C.C. No. 50/2005....”

Mr.Subhan requests the Court to permit the petitioner to apply to the Regional Manager, Kurnool Region/1<sup>st</sup> respondent in terms of Circular No.PD-43/86 dated 16.04.1986 for reconsideration of the order removing petitioner from service and to consider the case of petitioner in accordance with the applicable circulars keeping in mind the acquittal of petitioner in C.C. No.50 of 2005.

Mr.Rama Rao appearing for respondents submits that consideration is not matter of right and is depending on various circumstances and if the petitioner wishes to make a representation, the 1<sup>st</sup> respondent may be directed to consider in accordance with the extant circular.

The statement of learned counsæl is placed on record.

The petitioner is given liberty to represent the 1<sup>st</sup> respondent along with the copy of this order for reconsideration in terms of Circular No.PD-43/86 dated 16.04.1986 and acquittal in C.C. No.50 of 2005. The 1<sup>st</sup> respondent considers the representation, takes

appropriate decision and communicates the decision to petitioner within a period of three months from the date of receipt of representation. It is made clear that this Court has not examined the merits of the case and it is for the competent authority to act on the representation.

The writ petition is disposed of accordingly. No order as to costs.

Miscellaneous petitions pending if any shall stand closed.

S.V.BHATT,J

Date:08.09.2016

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