

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

W.P.Nos.25817 of 2016 & 18170 of 2014

COMMON ORDER

Since common questions of fact and law are involved in both the writ petitions, they are being disposed of by this common order.

W.P.No.18170 of 2014 was filed by the husband of the petitioner in W.P.No.25817 of 2016. When he was working as Mazdoor with the 3rd respondent-Rayalaseema Thermal Power Project, departmental proceedings were initiated against him. The 4th respondent was appointed as Enquiry officer, who issued a charge memo dated 17.3.2007 for his unauthorized absence from duty from 6.4.2005 to 15.5.2008 without proper sanction of leave from the competent authority. Pursuant to the same, the petitioner submitted his explanation on 2.4.2007. Thereafter, another charge sheet was issued reiterating the same charge vide memo dated 17.3.2008. After conducting enquiry, the Enquiry Officer submitted his report on 7.5.2008 holding that the charge was proved. Since the petitioner himself accepted the guilt and explained the reasons for his absence, an order dated 28.6.2008 was passed by the 3rd respondent imposing punishment of stoppage of two increments with cumulative effect besides treating the period of unauthorized absence as EOL on loss of pay. Thereafter, he joined duty. The order passed by the 3rd respondent was also confirmed by the Chief Engineer vide Memo dated 10.11.2008. However, the 2nd respondent has also issued a revised show cause notice for reviewing the punishment awarded and to impose penalty of removal from service in terms of the regulations adopted by

the APGENCO and the petitioner was asked to submit his explanation, for which he submitted his explanation on 18.6.2011. The 2nd respondent passed an order dated 11.7.2013 reviewing the earlier order passed by the 3rd respondent on 28.6.2008 by removing the petitioner from service. Challenging the same, the petitioner preferred an appeal before the first respondent and the same was dismissed by an order dated 11.3.2014. Challenging both the orders, the petitioner filed the present writ petition.

This Court by an order dated 3.7.2014 suspended the said orders and directed the respondents to continue the petitioner in service until further orders.

Unfortunately, after passing the said order and before its implementation, the petitioner expired on 14.9.2014. In the meanwhile WVMP No.2392 of 2014 was filed by the respondents on 27.8.2014. However, no petition to bring legal representatives on record in WP No.18170 of 2014 was filed, hence the same should be abated.

The wife of the deceased employee filed WP No.25817 of 2016 seeking appointment on compassionate grounds in view of death of her husband. An order dated 11.12.2015 was passed by the respondents stating that the request of the petitioner would be considered after disposal of W.P.No.18170 of 2014 filed by the husband of the petitioner.

In view of the above facts and circumstances of the case, the 3rd respondent is directed to consider the representation of the petitioner for appointment on compassionate grounds by taking into consideration the peculiar facts of the case and pass appropriate orders thereon within a period of three months from the date of receipt of a copy of this order. In view of the death of the petitioner in

W.P.No.18170 of 2014, no further orders are necessary in the writ petition and the same is dismissed as abated.

Accordingly, W.P.No.25817 of 2016 is disposed of.
W.P.No.18170 of 2014 is dismissed as abated. No costs.

Miscellaneous petitions, if any, pending in these writ petitions shall stand closed.

JUSTICE A.RAMALINGESWARA RAO

21st September, 2016
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