

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

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W.P.No.31800 of 2011

ORDER:

This writ petition filed under Article 226 of the Constitution of India, for the following relief:

“To issue an appropriate writ, order or direction more particularly one in the nature of writ of mandamus declare the action of the respondents in issuing the charge sheet dated 01.10.2011 basing on the proceedings of the District Collector, Khammam dated 18.03.2011 in proceedings Rc.No. B3-6072/2002 and proceeding to take action against petitioner even though the statutory appeal is pending before the Government of Andhra Pradesh as illegal, arbitrary and violative of principles of natural justice apart from violation of Articles 14 and 21 of the Constitution of India, and consequently to set aside the said charge sheet dated 01.10.2011 issued by the second respondent herein”.

2. Heard Sri G.L.Narasimha Rao, learned counsel for the petitioner and Sri Bathula Rajkiran, learned Standing Counsel for respondents, apart from perusing the material available on record.

3. The District Collector, in exercise of the powers conferred under Section 5(1) of A.P. (Scheduled Caste/Scheduled Tribe/Backward Class) Issue of Community, Nativity and Date of Birth Certificates Act, 1993 read with Sub-Rule (7) of Rule 9 of the Rules framed thereunder, passed order vide proceedings Rc.No.D3-6072/2002 dated 18.3.2011, declaring that the petitioner herein does not belong to Hill Reddy community, which is a Scheduled Tribe, but only belongs to Reddy caste, which comes under Open Category (OC). As against the said order passed by the District Collector, the petitioner herein preferred Appeal under Section 7(2) of the Act before the State Government and the said appeal is still pending. Pending the said appeal, the Senior Divisional Manager (Disciplinary Authority)-2nd respondent herein issued charge sheet dated 1.10.2011, directing the petitioner to submit

explanation. Aggrieved by the said charge sheet, the present writ petition came to be filed.

4. This Court on 8.12.2011 granted interim stay of all further proceedings pursuant to the charge sheet dated 1.10.2011. Now, it is agreed by both sides that the writ petition can be disposed of by directing the State Government to dispose of the Appeal pending before it, by fixing some time frame for disposal of the said appeal.

5. In view of the above, the writ petition is disposed of, directing the State of Telangana, represented by its Principal Secretary, Social Welfare Department, Secretariat, Hyderabad to dispose of the Appeal dated 26.11.2011 to dispose of the Appeal filed by the petitioner herein against the orders passed by the District Collector vide proceedings No.D3-6072/2002 dated 18.3.2011 within a period of six months from the date of receipt of this order, after giving notice and opportunity of being heard. Till the disposal of the said appeal, status quo as on today shall be maintained by the parties. As a sequel, the miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

A.V.SESHA SAI, J

Date: 7.1.2016

Note:

Mark copy of this order to the State of Telangana,
represented by its Principal Secretary,
Social Welfare Department, Secretariat Buildings, Hyderabad.

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