

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.12615 OF 2016

ORDER:

The suspension pending enquiry, the order dated 16.03.2016 is challenged before this Court.

The order dated 16.03.2016 is passed after considering the explanation submitted by the petitioner. Though the said order is taken as suspension pending enquiry, practically, the 3rd respondent had given finding with respect to every charge. In that view of the matter, the prayer of the petitioner that the said order is nothing but a cancellation of the authorization cannot be said to be without basis.

Inasmuch as, the 3rd respondent had given categorical finding with respect to each of the charge, no useful purpose would be served once again directing the 3rd respondent to cause enquiry and pass orders as it could be an empty formality.

Learned counsel for the petitioner categorically submits that his client would treat the impugned order as an order passed after enquiry and the petitioner shall not raise any objection, no enquiry having been conducted before the appellate Court provided she may be given an opportunity to file an appeal before the 2nd respondent.

In the light of the submissions made by the learned counsel for the petitioner learned Assistant Government Pleader does not raise any objection.

In the facts and circumstances of the case, opportunity is given to the petitioner to approach the 2nd respondent by filing appeal in terms of Clause 20 of the A.P.S.P.D.S Control Order, 2008 along with stay petition within two (2) weeks from the date of receipt of a copy of this order. On such appeal being filed, the same shall be considered and appropriate orders be passed by the 2nd respondent as expeditiously as possible either in the appeal or in the stay petition. Till disposal of the appeal or stay petition, the impugned order shall stand suspended.

With the above directions, the writ petition is disposed of. There shall be no order as to costs.

Miscellaneous petitions, if any pending in this writ petition shall stand

closed.

CHALLA KODANDA RAM, J.

Date:18.04.2016.

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