

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

WP.No.35511 of 2016

ORDER:

Heard counsel for the petitioner and the Government Pleader for Services appearing for respondents.

2. Petitioner, who was employed as a Civil Assistant Surgeon in the services of the 2nd respondent, was removed from services vide G.O.Ms.No.464 Health, Medical & Family Welfare (H1) Department, dt.20.11.1996.

3. Though the petitioner challenged the same in O.A.No.23360 of 1991, the order of the removal was not set aside by the Tribunal.

4. The petitioner also availed the remedy of appeal to the 1st respondent.

5. Vide G.O.Ms.No.364 Health, Medical & Family Welfare (H1) Department, dt.10.09.1997, the order of removal was not set aside by the 1st respondent but it only directed that the unauthorized absence period, on the basis of which his services were terminated, was 'dies-non'.

6. Petitioner thereafter filed O.A.No.910 of 2011 seeking posting orders contending that his representations for grant of posting orders were not considered.

7. By order dt.24.06.2014, O.A.No.914 of 2011 was disposed of directing the respondents to consider the representations of the petitioner for posting orders within a period of six weeks.

8. However, pending the said O.A., a Memo dt.19.11.2011 had been issued by the 1st respondent refusing to give posting orders to the petitioner since he had already been removed from services vide G.O.Ms.No.464 dt.20.11.1996. This order was passed in compliance with an interim order dt.20.04.2011 issued by the A.P. Administrative Tribunal in said O.A. asking the 1st respondent to pass orders on the representations of the petitioners filed seeking posting orders.

9. As per the final orders in the O.A.No.910 of 2011 (directing the 1st respondent to dispose of the petitioner's representations), the impugned proceeding dt.26.08.2016 had been issued by the 1st respondent stating that earlier, petitioner's representations were already considered and the Memo dt.19.11.2011 had already been issued and therefore the same would suffice as compliance of the orders passed by the Tribunal on 24.05.2014.

10. Counsel for the petitioner contends that in view of the order dt.10.09.1997 in G.O.Ms.No.364 treating his absence period as 'dies-non' by the appellate authority, it is deemed as if his removal order was set aside and therefore, the petitioner was entitled for posting orders.

11. There is no order passed either by the 1st respondent or by the A.P. Administrative Tribunal setting aside the order removing the petitioner from service. In G.O.Ms.No.364 also, 1st respondent had not set aside the order of removal passed on the petitioner vide G.O.Ms.No.464 dt.20.11.1996.

12. In this view of the matter, there is no question of issuing any posting orders to the petitioner, who had been removed from services way back on 20.11.1996.

13. I therefore do not find any merit in this Writ Petition and it is accordingly dismissed with costs of Rs.2,000/- to be paid by the petitioner to the High Court Legal Services Committee.

14. Consequently, miscellaneous petitions pending, if any, in this Revision shall stand closed.

21st October, 2016.
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M.S.RAMACHANDRA RAO, J

