

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

W.P.No.28454 of 2016

ORDER

This writ petition is filed seeking to declare the action of the 1st respondent in not disposing the appeal preferred by the petitioner on 4.6.2016 against the order dated 25.4.2016 passed by the 2nd respondent, as arbitrary and illegal.

The petitioner was appointed as Junior Lineman in the respondent-Company in the year 2004. After acquiring B.A. Degree, he requested the authorities concerned to post him as Junior Assistant by transfer and the same was accepted and he has been working as such in the Revenue Office, Tiruvur. However, in respect of allegation of misappropriation of funds during the year 2012-13, an enquiry was ordered and the Enquiry Officer submitted his report to the 2nd respondent. Based on the said report, a show cause notice was issued alleging that the petitioner misappropriated an amount of Rs.74,92,490/- by late remittance from September, 2012 to the end of January, 2013 and defaulted an amount of Rs.85,00,000/- by short remittance from February to April, 2013. Further, it is stated that punishment of dismissal from service was proposed. The petitioner submitted his explanation, but, without considering the same, the 2nd respondent passed an order on 25.4.2016 dismissing him from service. Against the said order, the petitioner filed an appeal before the first respondent and

the same was received on 4.6.2016. Since the appeal was not disposed of till today, the present writ petition is filed.

Learned counsel for the petitioner states that Cr.No.71 of 2013 is pending on the file of Tiruvuru Police Station and the case is being tried by the Additional District and Sessions Judge.

However, since the present writ petition is filed challenging the inaction of the first respondent in disposing of the appeal dated 4.6.2016, this Writ Petition is disposed of directing the first respondent to consider the appeal preferred by the petitioner, against the order dated 25.4.2016 passed by the 2nd respondent, in accordance with law, within a period of three months from the date of receipt of a copy of this order. No costs.

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

JUSTICE A.RAMALINGESWARA RAO

2nd September, 2016
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