

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

W.P.No.12038 of 2016

ORDER:

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The inaction on the part of the 2nd respondent in passing orders on the appeal dated 23.7.2014 filed by the petitioner against the orders of termination passed by the 3rd respondent dated ...6.2014 is under challenge in the present writ petition.

2. While working as Assistant Project Manager under 4th respondent, the petitioner herein was initially placed under suspension pending enquiry and thereafter, the 3rd respondent by virtue of order in File No.887/SERP/HR.II/2013 dated ...6.2014 terminated the services of the petitioner. Aggrieved by the said order dated6.2014, the petitioner herein filed appeal dated 23.7.2014 before the 2nd respondent and according to the learned counsel for the petitioner the said appeal is still pending before the 2nd respondent and no orders have been passed so far. It is the further grievance of the petitioner as stated in the writ affidavit and as reiterated by the learned counsel for the petitioner that though the petitioner is entitled for subsistence allowance as per rules, the respondent authorities are not paying the same.

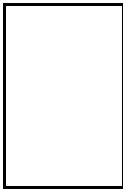
3. Since the petitioner herein filed appeal as long back as on 23.7.2014, this Court finds absolutely no justification on the part of the 2nd respondent in keeping the said appeal pending for years together. This Court also finds no justification in not paying subsistence allowance as per rules.

3. For the aforesaid reasons, the writ petition is disposed of, directing the 2nd respondent-appellate authority to pass appropriate orders on the appeal dated 23.7.2014 preferred by the petitioner herein within a period

of two months from the date of receipt of this order, after giving notice and opportunity of being heard to the petitioner. The respondent authorities shall also pay subsistence allowance to the petitioner, as per rules. 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: 13.4.2016
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