

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

WRIT PETITION No.11418 OF 2016

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ORDER:

Challenge in the present writ petition is to the order passed by the 3rd respondent-Project Director, District Water Management Agency, Visakhapatnam, vide Notice No.311/2015/DVC/B4, dated 21.09.2015.

2. Heard Sri P.V.V.Satyanarayana, learned counsel for the petitioner, learned Government Pleader for Panchayat Raj and Rural Development and Sri M.Sri Ramachandra Murthy, learned Standing Counsel for the 3rd respondent.

3. By virtue of the impugned order dated 21.09.2015, the 3rd respondent dispensed with the service of the petitioner from the post of Field Assistant.

4. When the matter is called, a preliminary objection with regard to the maintainability of the writ petition is taken by the learned Standing Counsel stating that as against the order impugned, appeal lies to the 2nd Respondent-District Collector under Human Resource Policy (FAHRP) and the petitioner can avail the same and that without exercising such remedy, present writ petition is filed.

5. In view of the availability of alternative remedy of appeal to the District Collector, this Court is not inclined to entertain the present writ petition. However, having regard to the nature of controversy and facts and circumstances of the case, this Court is of the considered opinion that the ends of justice would be served, if the petitioner is permitted to avail alternative remedy before the 2nd respondent by granting some time.

6. For the aforesaid reason, the writ petition is disposed of permitting the petitioner herein to file appeal before the 2nd respondent, against the impugned order of the 3rd respondent-Project Director, dated 21.09.2015, within a period of two months from the date of receipt of a copy of this order, and if any such appeal is filed within the stipulated time, the same shall be considered and appropriate orders be passed by the respondents, in accordance with law, after giving notice and opportunity of being heard to the petitioner herein.

7. Miscellaneous petitions pending consideration, if any, in the Writ Petition shall stand closed in consequence. No order as to costs.

A.V.SESHA SAI, J

07.04.2016

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