

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY
AND
HON'BLE SRI JUSTICE G.SHYAM PRASAD

WRIT PETITION No.16946 of 2016

Date:02.6.2016

Between:

D.Mrutyunjaya Rao,
S/o Bhaskara Rao

.....Petitioner

And:

The High Court of Judicature at Hyderabad
for the State of Telangana and the State of
Andhra Pradesh, repled by Registrar (Admn),
Hyderabad and two others.

....Respondents

Counsel for the petitioner: Ms. T.V.Sridevi

Counsel for Respondent No.3: GP for Revenue (AP)

The Court made the following:

ORDER: *(per Hon'ble Sri Justice C.V.Nagarjuna Reddy)*

The petitioner was a Junior Assistant in the Court of the Principal Junior Civil Judge, Bobbili. Disciplinary proceedings initiated against him for misappropriation of huge amounts ended with passing of order, dated 19.08.2015, by respondent No.2 dismissing him from service and also ordering recovery of the

misappropriated amount along with interest. Respondent No.3, who has initiated proceedings against the petitioner under the Revenue Recovery Act for recovery of the said amount quantified the petitioner's liability at Rs.16,29,057/-. The petitioner claimed to have filed an appeal before respondent No.1 against the above-mentioned order of respondent No.2. However, it appears that he has not secured any interim order in the appeal, as a result of which, respondent No.3 has issued the distraint order on 19.8.2015, against the petitioner. On receipt of the said distraint order, the petitioner approached respondent No.2 with a request to postpone recovery of the misappropriated amount till disposal of the appeal pending before respondent No.1. This request having been rejected by respondent No.2 by order, dated 27.10.2015, the petitioner filed this Writ Petition.

From the above-mentioned admitted facts, it is evident that the appeal filed by the petitioner is stated to be pending before respondent No.1 and the order of respondent No.2 directing recovery of the misappropriated amount has not been stayed so far.

In these facts, in our opinion, the petitioner is not entitled to approach respondent No.2 for any relief, for with the conclusion of the disciplinary proceedings and passing of order therein, respondent No.2 has become *functus officio*. The appropriate remedy for the petitioner is only to seek passing of interim order in the appeal filed by him before respondent No.1. Instead of seeking such a relief, the petitioner has approached respondent No.2 who, as aforementioned, has no authority to intervene pending the appeal.

In this view of the matter, we do not find any merit in this Writ Petition and the same is, accordingly, dismissed subject to the observations made above.

As a sequel to dismissal of the Writ Petition,

WPMP.No.20872 of 2016 filed by the petitioner for interim relief is dismissed as infructuous.

*JUSTICE C.V.NAGARJUNA
REDDY*

JUSTICE G.SHYAM PRASAD

*02nd June 2016
DR*