

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

WRIT PETITION No.9209 OF 2016

ORDER:

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This Writ Petition is filed under Article 226 of the Constitution of India for the following relief:

“...to issue an appropriate writ or direction, particularly one in the nature of WRIT OF CERTIORARI, quash the impugned order issued in Proc.NO.1783/2014/HRMS/Uddavolu-Therlam, dated 06.06.2015 in terminating the petitioner service besides of recovery of Rs.12,21,261/- and not disposing the petitioner appeal dated 26.06.2015 by the 2nd respondent as illegal, unjust, arbitrary, in violation of principles of natural justice as well as in violation of Art.14, 16 & 21 of the Constitution of India and consequently the petitioner pray this Hon'ble Court may be pleased to direct the respondents to reinstate the petitioner into service along with all consequential benefits in the interest of justice and fair play.”

2. Heard Sri V. Narasimha Goud, learned counsel for the petitioner, learned Government Pleader for Panchayat Raj for respondent No.1 and Sri M. Sri Rama Chandra Murthy, learned Standing Counsel for respondent Nos.2 and 3.

3. According to the petitioner, he joined in service as Mandal Technical Assistant on 01.03.2006 and subsequently he got promotion as Junior Engineer on 28.02.2014 and working under the control of the 3rd respondent – Project Officer. The 3rd respondent, by virtue of proceedings No.1783/2014/HRMS/ Uddavolu-Therlam dated 06.06.2015 terminated the services of the petitioner herein. As against the said order of termination, the petitioner preferred an appeal dated 26.06.2015 before the 2nd respondent. The grievance of the petitioner in the present writ petition is that though he filed appeal as long back as on 26.06.2015, no orders have been passed by the 2nd respondent on the said appeal. It is further submitted by the learned counsel for

the petitioner that in view of the non-disposal of the appeal, the petitioner is suffering irreparable loss.

4. As the petitioner filed the appeal as long back as on 26.06.2015 before the 2nd respondent, this Court finds absolutely no justification on the part of the 2nd respondent in keeping the said appeal pending. In view of the same, this Court is of the considered opinion that the ends of justice would be served, if the 2nd respondent is directed to dispose of the appeal within a time frame.

5. For the afore-stated reasons, the writ petition is disposed of directing the 2nd respondent to pass appropriate orders on the appeal dated 26.06.2015 filed by the petitioner against the orders of the 3rd respondent dated 06.06.2015 within a period of two months from the date of receipt of a copy of this order in accordance with law. Till the said appeal is disposed of, no coercive action for recovery shall be taken against the petitioner herein. There shall be no order as to costs.

6. The Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

A. V. SESA SAI, J

Date:23.03.2016

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