

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.29362 OF 2017

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed seeking to declare the action of the 1st respondent in passing the order, vide proceedings Roc.No.DA4/8364/2014, dated 12.10.2016, dismissing the petitioner from service, as arbitrary and illegal.

2. As seen from the record, the petitioner was convicted for the offence punishable under Section 498-A IPC by the Special Judicial Magistrate of First Class for Prohibition and Excise, Kakinada, by Judgment, dated 17.02.2011, in C.C.No.408 of 2004 and the same was confirmed by the III Additional District & Sessions Judge, Kakinda in CrI.A.No.39 of 2011, dated 31.01.2013. Aggrieved by the said Judgment, the petitioner preferred CrI.R.C.No.247 of 2013 and this Court allowed the revision case by setting aside the Judgment, dated 17.02.2011, in C.C.No.408 of 2004. After allowing of the revision case, the petitioner submitted a representation on 09.05.2017 to the Executive Officer, Tirumala Tirupathi Devasthanams (R-1) stating that he is acquitted in the criminal case and requested to reinstate him into service. As no action has been taken, the petitioner filed Writ Petition No.18695 of 2017 and this Court disposed of the same directing the petitioner to submit an appeal to the Board of the TTD/Specified Authority of TTD within a period of three (03) weeks from the date of that order and on receipt of such appeal, the Board of TTD/Specified Authority of the TTD shall dispose of the same in accordance with law within a period of two (02) months from the date of filing of said appeal. As per the orders of this Court, the petitioner filed an appeal on

27.06.2017, but no orders are passed on the said appeal. Hence, the Writ Petition.

3. Heard party-in-person and Sri A.K.Jaya Prakash Rao, learned Standing Counsel for the respondents.

4. Sri A.K.Jaya Prakash Rao, learned Standing Counsel for the respondents submits that till date the Board is not constituted. The petitioner submitted representation on 09.05.2017 to the Executive Officer, Tirumala Tirupathi Devasthanam, Tirupathi, he will consider the same in accordance with law. The petitioner consented for the same.

5. In view of the peculiar facts and circumstances of the case, the Writ Petition is disposed of directing the 1st respondent to dispose of representation, dated 09.05.2017, said to have been submitted by the petitioner by taking into consideration the order, dated 26.04.2017 passed by this Court in CrI.R.C.No.247 of 2013, within a period of two (02) months from the date of receipt of a copy of this order. In the meanwhile, if the Board is constituted, the appeal filed by the petitioner shall be disposed of taking into consideration the order of this Court, dated 26.04.2017, in CrI.R.C.No.247 of 2013.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

A.RAJASHEKER REDDY, J

SEPTEMBER 07, 2017

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HON'BLE SRI JUSTICE A.RAJASHEKER REDDY



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Date: 07.09.2017

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