

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 14398 of 2001

ORDER:

This writ petition is filed by the petitioner, under Article 226 of the Constitution of India, seeking a writ of mandamus to declare the action of the respondent in terminating his services by proceedings dated 17.11.2000, without following the due process of law, as arbitrary and illegal. The petitioner also sought a consequential direction to the respondent to reinstate him into service with all consequential benefits.

The case of the petitioner is that he was appointed as Messenger in the District Co-operative Central Bank Limited, respondent herein, on 01.04.1985. Subsequently i.e., in the year 1994, he was promoted as Staff Assistant. While so, the respondent-Bank issued a show-cause-notice dated 23.08.1999 calling upon him to show cause as to why he should not be terminated from service besides initiating criminal action against him, on the ground that he produced a false matriculation marks cum pass certificate, for which he submitted explanation which was received on 23.09.1999. Thereafter, he attended the enquiry on 13.11.1999 and the Enquiry Officer submitted a report dated 30.11.1999. Basing on the said report, the respondent-Bank terminated his services vide proceedings dated 17.11.2000. Being aggrieved by the same, he filed the present writ petition.

Heard Mr. V. Mallik, learned counsel for the petitioner, and Ms. V. Uma Devi, learned standing counsel for the respondent.

Learned counsel for the petitioner mainly contends that though the Enquiry Officer in his report expressed benefit of doubt on the issue of procurement of the bogus certificate and wanted further probe into the matter, the disciplinary authority did not extend the benefit to the petitioner, and that without considering any of the contentions raised by the petitioner, terminated the petitioner from service.

The learned standing counsel for the respondent-Bank submits that the petitioner was rightly terminated from service after following the due process of law and, therefore, the impugned order warrants no interference.

I have carefully considered the rival submissions. As can be seen from the record, the petitioner is an employee of the District Co-operative Central Bank Limited. If at all he is aggrieved by the orders of termination, he can approach the Authority established under the Andhra Pradesh Shops and Establishments Act, 1988 to pursue his remedies. Therefore, I find no merits in the writ petition warranting interference with the impugned order.

With the above observation, the Writ Petition is dismissed. Consequently, miscellaneous petitions if any pending in the writ petition shall also stand dismissed. There shall be no order as to costs.

ABHINAND KUMAR SHAVILI, J

22nd November, 2017
cbs

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WRIT PETITION No. 14398 of 2001
(dismissed)

22nd November, 2017

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