

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

WRIT APPEAL No.966 2017

Date:0x1.9.2017

Between:

S.Sambasiva Rao,
S/o Late Rama Rao

..... Appellant

And:

A.P. State Housing Corporation
Limited, reptd by its Executive
Director, Hyderabad and three others.

.....Respondents

Counsel for the appellant: Mr. B.Chandrasekhar

Counsel for the respondents: Mr. C.Buchi Reddy

The Court made the following:

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

Feeling aggrieved by order, dated 13.7.2017, in Writ Petition No.4057 of 2010 to the extent of the learned single Judge leaving respondent No.2 free to proceed further in pursuance of the enquiry report and to pass appropriate orders in accordance with law, the writ petitioner filed this Writ Appeal.

A perusal of the record shows that the learned single Judge has set aside the order, dated 13.10.2008, passed by respondent No.2, removing the appellant from service, on the ground that the appellant was not supplied with a copy of the enquiry report and that the grievance made by him on this aspect in his explanation was not considered by respondent No.2 while imposing the punishment of removing him from service. The learned single Judge has rightly followed the law laid down in *Union of India & Ors Vs. Mohd. Ramzan Khan*¹ and set aside the order imposing on the appellant the punishment of removal from service. The logical consequence of setting aside the impugned removal order was to permit the appellant to have a copy of the enquiry report and to furnish a fresh explanation, so that respondent No.2 would consider such explanation afresh. Therefore, we do not find any error apparent in the

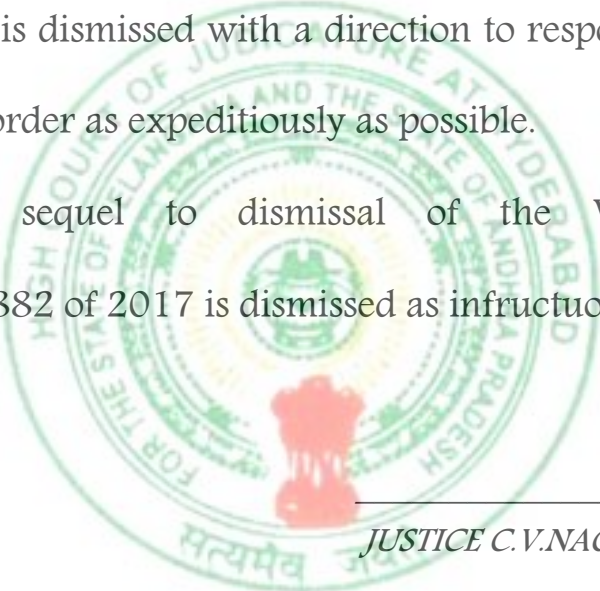
¹ AIR 1991 SC 471

impugned order passed by the learned single Judge warranting our interference in exercise of our letters patent jurisdiction.

Mr. C.Buchi Reddy, the learned Standing Counsel for the respondents, submitted that in pursuance of the impugned order of the learned single Judge, respondent No.2 has furnished a copy of the enquiry report to the appellant and the latter has submitted his fresh explanation.

Keeping the above subsequent events also in mind, the Writ Appeal is dismissed with a direction to respondent No.2 to pass a fresh order as expeditiously as possible.

As a sequel to dismissal of the Writ Petition, WAMP.No.1882 of 2017 is dismissed as infructuous.



JUSTICE C.V.NAGARJUNA REDDY

JUSTICE GUDISEVA SHYAM PRASAD

01st September 2017

DR