

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.4600 OF 2010

ORDER:

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

“to issue appropriate, order or direction more particularly one in the nature of Writ of Mandamus, declaring the inaction on the part of the respondents in bringing the operation of section 5 of Andhra Pradesh (Schedule Castes, Schedule Tribes and backward classes) Regulation of issue of community certificate Act, 1993, (Act No.16 of 1993) as unjust, illegal and un-constitutional and consequently direct 4th respondent to consider the proceedings of the 1st respondent in R.C.No.66/86 dated 16.6.1989 and take appropriate action in accordance with law.”

2. Case of the petitioner is that respondent No.5, who belongs to DOLAI Caste (OC) in Oriya Community, has produced a false caste certificate of DHULIA of Scheduled Tribe Community by misleading the Revenue Department and got appointment as Warden in B.C. Welfare Department in Srikakulam District. Basing on a complaint, after elaborate process, the appointing authority dismissed respondent No.5 from service through proceedings, dated 16.06.1989. Aggrieved thereby, respondent No.5 approached the Andhra Pradesh Administrative Tribunal, Hyderabad and filed R.P.No.15916 of 1989. The Tribunal has issued a telegram on 03.08.1989 to respondent No.1/The District Collector, Srikakulam as “the petitioner shall be continued in service till disposal of case and he should also be paid all pay and allowances order follows.” As soon as the telegram was received by

the then District Collector, he endorsed the DSWO (BCW) on 05.08.1989 as “on receipt of post copy or original order implement APAT orders. Obtain affidavit from G.P. & prepare para-wise remarks for filing counter affidavit.” As the matter stood thus, the department totally failed to obtain the original order from A.P.A.T., but simply issued reinstatement orders by misleading the District Collector, Srikakulam through proceedings, dated 16.08.1989. After that, even after two decades, till date, the department has not bothered to approach the Judicature for obtaining original orders, filing counter and disposing of the case, but simply continuing the candidate in service by giving all the benefits. Hence, the petitioner filed the present writ petition.

3. When the matter is taken up for hearing, it is informed by the learned Government Pleader for Revenue that as per the request of the petitioner herein, already the official respondents are taking necessary action and they will pass appropriate orders in accordance with law and the same will be communicated to the petitioner on disposal of the proceedings against respondent No.5.

4. Recording the submission of the learned Government Pleader, this writ petition is disposed of. There shall be no order as to costs.

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

JUSTICE RAJA ELANGO

Date : 07.08.2017
AMD

THE HONOURABLE SRI JUSTICE RAJA ELANGO



WRIT PETITION No.4600 OF 2010

Date: 07.08.2017

AMD