

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE N. BALAYOGI

WRIT PETITION No.7880 of 2011

ORDER: (per Hon'ble Sri Justice Sanjay Kumar)

The Managing Director, Hyderabad Metropolitan Water Supply and Sewerage Board, filed this writ petition aggrieved by the order dated 23.12.2010 passed by the Andhra Pradesh Administrative Tribunal, Hyderabad, allowing O.A.No.12806 of 2009 filed by the first respondent herein.

By order dated 28.03.2011, this Court granted interim suspension of the order under challenge. W.V.M.P.No.3663 of 2016 was filed by the first respondent to vacate the said order.

As the matter is amenable to final disposal, the case is taken up for hearing with the consent of the learned counsel.

The issue before the Tribunal was with regard to the dismissal of the first respondent from service under order dated 11.11.2009 on the ground that she had produced a fake certificate for securing appointment. The record reflects that one V.Krishna Murthy, General Purpose Employee (Water Supply), was also subjected to a similar charge as was levelled against the first respondent. He was also dismissed from service. Aggrieved thereby, he filed O.A.No.12641 of 2009 which was allowed by the Tribunal, vide order dated 12.03.2010, setting aside the order of dismissal passed against him and remanding the matter to the enquiry officer for a fresh enquiry in accordance with Rule 20 of the Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991. Taking note of the aforesaid facts, the Tribunal allowed O.A.No.12806 of 2009 setting aside the impugned dismissal order dated 11.11.2009 passed against the first respondent herein and

remanded the matter to the enquiry officer for conduct of a fresh enquiry in accordance with the Rules, as was done in the case of V.Krishna Murthy.

Surprisingly, the petitioner preferred to challenge the order passed by the Tribunal only in so far as the first respondent is concerned and did not choose to pursue the matter as regards V.Krishna Murthy. A copy of the proceedings dated 29.04.2010 issued by the Hyderabad Metropolitan Water Supply and Sewerage Board is placed on record and bears out that V.Krishna Murthy was reinstated in service pending fresh enquiry in terms of the remand order passed by the Tribunal.

Sri V.Sudhakar Reddy, learned counsel for the petitioner, is at a loss to explain as to why different standards were adopted in the case of two identically situated employees.

That being so, we find no justification for the petitioner to approach this Court only against the order passed in so far as the first respondent is concerned when it chose to accept and act upon the order dated 12.03.2010 passed by the Tribunal in O.A.No.12641 of 2009 relating to Sri V.Krishna Murthy.

The writ petition is therefore lacking in *bonafides* and is accordingly dismissed.

Interim order dated 28.03.2011 shall stand vacated. Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

SANJAY KUMAR, J

N. BALAYOGI, J

3rd April, 2017
IBL