

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.36819 of 2017

ORDER:

In spite of granting time, the learned Government Pleader for Revenue (T.S.) and the learned Government Pleader for Services (T.S.) appearing for the respective respondents could not get instructions in the matter and hence, this Court is constrained to dispose of the writ petition in the manner indicated below and in view of the nature of the relief to be granted in the writ petition, notice to the fifth respondent is dispensed with.

2. The facts of the case are that the unmarried brother of the petitioner died in harness on 25.12.2012 while working as Village Servant of Pagidiyal Village. The petitioner being the only legal heir of his deceased brother made an application for appointment to the aforesaid post on compassionate grounds by enclosing the death certificate of his deceased brother. It appears that the fifth respondent also made an application for appointment to the aforesaid post though he was not eligible and not having connection with the deceased brother of the petitioner and that the fourth respondent, based on the misrepresentation made by the fifth respondent, issued proceedings on 06.04.2016 appointing the fifth respondent as Village Revenue Assistant of Pagidiyal Village. Questioning the said proceedings, the petitioner filed an appeal before the Revenue Divisional Officer, Chevella Division, which is latter transferred to the Revenue Divisional Officer, Mahaboobnagar District viz., the third respondent, who is having the jurisdiction over the matter. The said appeal was disposed of by the third respondent on 09.06.2017 confirming proceedings, dated 06.04.2016, of the fourth respondent. Feeling aggrieved by the same, the petitioner preferred further appeal before the second respondent on 24.06.2017 and when the said appeal is not being disposed of by the said respondent, the petitioner filed the present writ petition.

3. In the above facts and circumstances of the case, since the appeal filed by the petitioner on 24.06.2017 against order, dated 09.06.2017, of the third respondent, is pending before the second respondent, this Writ Petition is disposed of directing the second respondent to consider the said appeal and pass appropriate orders thereon, after giving notice to the fifth respondent, in accordance with law, within a period of three months from the date of receipt of a copy of this order.

4. As a sequel to disposal of the writ petition, W.P.M.P.No.45715 of 2017 filed by the petitioner for interim relief shall stand disposed of as infructuous.

A.RAMALI NGESWARA RAO, J

04th December, 2017

GHN

