

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

WRIT PETITION No.34421 of 2017

ORDER:

Petitioner's grievance is that an order has been passed by the 2nd respondent on 16-12-2016 closing the appeal filed by petitioner.

2. Petitioner contends that petitioner received on 16-12-2016 notice to attend the 2nd respondent Commission on 16-12-2016, that he was resident of Kurnool District and that he could not attend the hearing before the 2nd respondent at Hyderabad on that day due to lack of time, and therefore the impugned order be set aside and the matter be remitted back to the 2nd respondent to pass fresh order.

3. Ms.K.Sumathi, learned Assistant Government Pleader takes notice and states that the order passed is valid because the petitioner did not appear before the 2nd respondent on 16-12-2016. She does not deny the petitioner's contention that petitioner received the notice from the 2nd respondent to appear on 16-12-2016 only on the same day.

4. It cannot not be expected of the petitioner to appear on the same day before 2nd respondent at Hyderabad when he received notice at Kurnool, far away from Hyderabad. Therefore, the absence of the petitioner on the said date before the 2nd respondent is for valid reasons and the said order therefore cannot be sustained.

5. Accordingly, the impugned order passed by the 2nd respondent is set aside and the matter is remitted back to the 2nd respondent to give adequate time to the petitioner so that petitioner can attend the hearing before it, hear the petitioner and then pass a reasoned order and communicate it to the petitioner.

6. The Writ Petition is disposed of with the above directions. No costs.

7. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

Date: 02-11-2017
Vsv/*

JUSTICE M.S.RAMACHANDRA RAO

