

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

Writ Petition No. 42128 of 2017

Order:

The petitioner is a graduate in Civil Engineering and was appointed as JE, WCC, Kalikiri Mandal, Chittoor District. While so, a show cause notice was issued on 13.10.2016 by the second respondent suspending the petitioner from services on the ground that he has committed certain irregularities and he was asked to submit his explanation. Accordingly, he submitted his explanation pleading innocence. However, the fourth respondent passed orders on 18.02.2017 terminating the services of the petitioner. Challenging the said order of termination passed by the fourth respondent, the petitioner preferred an appeal to the third respondent on 03.03.2017 and the third respondent passed an order on 16.06.2017 partly allowing the appeal while setting aside the order of termination passed by the fourth respondent on 18.02.2017 and directing the fourth respondent to take the services of the petitioner on outsourcing basis subject to the payment of minimum amount of Rs.1,50,000/- out of the outstanding recoverable amounts indicated in the order of the fourth respondent. The appellate authority further directed that the balance amount can be recovered within one year on monthly instalment basis. Though the petitioner is ready to deposit the amount as indicated by the appellate authority, third respondent, when the fourth respondent is not receiving the same, the present Writ Petition is filed.

Learned Standing Counsel for the respondents submits that now the file is forwarded to the second respondent for appropriate orders and the fourth respondent is waiting for the orders.

When the appellate authority, third respondent, passed an order, it is binding on the fourth respondent and he should not have waited for the orders of the second respondent for its implementation.

In the circumstances, the Writ Petition is allowed and liberty is given to the petitioner to deposit the amount of Rs.1,50,000/- and the fourth respondent is directed to take the petitioner into service on outsourcing basis on payment of the said amount of Rs.1,50,000/- and recover the balance amount on equal monthly instalments within a period of one year. There shall be no order as to costs.

As a sequel thereto, the miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

Date: 22.12.2017
Nsr

A. RAMALINGESWARA RAO, J

