

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.22073 OF 2003

ORDER

This writ petition is filed seeking the following relief:

“... to issue a writ, order or direction more in the nature of Mandamus declaring that the petitioner is entitled to be treated as having been permitted to retire voluntarily with effect from 5.9.2002 in accordance with the A.P.Revised Pension Rules, 1980 and entitled for pension, Gratuity and other attendant benefits with all consequential benefits by holding the action of the respondents in terminating his services vide Lr.No.E1/7-10/2003/373, dated 30-07-2003 issued by the Secretary & Correspondent, Kakatiya Institute of Technology and Science as illegal, arbitrary, unjust and violative of Articles 14 and 21 of the Constitution of India besides opposed to all principles of natural justice, equity and fair play and pass such other and further orders as this Hon'ble Court may deem fit.”

Heard Sri D.Linga Rao, learned counsel appearing for the petitioner, Sri Sadasiva Rao, learned Standing Counsel appearing for respondent Nos.1 and 2, and learned Government Pleader for Technical Education appearing for respondent No.3.

It is the case of the petitioner that initially, he was appointed as an Attender in the 1st respondent-Kakatiya Institute of Technology on 6.7.1981 and his services were also regularized with effect from 1.2.1983 and he was discharging his duties as such. While so, on 5.9.2002, he made an

application seeking voluntary retirement. But, the 1st respondent has not passed any orders and has been issuing letters directing the petitioner to come and join. Finally, the services of the petitioner were terminated by the 1st respondent *vide* proceedings dated 30.07.2003. Challenging the same, the present writ petition is filed.

Learned counsel appearing for the petitioner submits that the petitioner is entitled for pension, gratuity and other benefits and therefore, the 1st respondent ought to have extended the benefit of voluntary retirement instead of terminating him from service.

Learned Standing Counsel appearing for respondents 1 and 2 contends that there is no scheme of voluntary retirement in the 1st respondent-Kakatiya Institute of Technology and Science; that in the absence of any such scheme, the request of the petitioner for voluntary retirement cannot be considered; that the petitioner had remained absent from his duties from 5.9.2002; that the 1st respondent has given several opportunities and proceedings requesting the petitioner to come and join duty, but the petitioner refused to join duty; that having left with no option, the 1st respondent had initiated disciplinary proceedings and after following the procedure,

the 1st respondent terminated him from service *vide* proceedings dated 30.07.2003.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the considered view that after initiating disciplinary proceedings against the petitioner, the 1st respondent terminated him from service *vide* proceedings dated 30.07.2003. Against the order of removal, the petitioner has an alternate remedy of appeal under the A.P.Education Act, 1982 and the Rules made thereunder. There are no merits in the writ petition and the same is liable to be dismissed.

Accordingly, the Writ Petition is dismissed. However, the petitioner is at liberty to pursue his remedies before the authorities concerned under the A.P.Education Act, 1982 and the Rules made thereunder, if he so advised. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

22nd October, 2018
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