

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.17266 OF 2001

ORDER:

1. This writ petition is filed seeking to issue a writ of Mandamus declaring the order passed by the 1st respondent-District Collector in Rc.No.1952/95, dated 28.7.2001 directing the 3rd respondent to reinstate the 4th respondent into service as Ex.Field Officer, P.A.C.S., Chennaraopet, as illegal and arbitrary, and to set aside the same.

2. Heard Sri V. Sudhakar Reddy, learned Counsel for the petitioners and Sri S. Lakshma Reddy, learned Counsel for the 4th respondent and the learned Government Pleader for Agriculture.

3. It has been contended by the learned Counsel for the petitioners that the 4th respondent was removed from service on 31.5.1994 after conducting a departmental enquiry, and thereafter, it appears that the 4th respondent have submitted a representation to the District Collector on 18.5.2001, and then, the District Collector without any authority vide order dated 28.7.2001 directed the 3rd respondent to reinstate the 4th respondent into service, and challenging the same, the petitioners filed this writ petition.

4. Further, it has been contended by the learned Counsel for the petitioners that on 7.2.2002, the very same District Collector has issued proceedings not to insist on the reinstatement of the 4th respondent, and that the said proceedings made it clear that the District Collector has recalled his earlier order dated 28.7.2001. Further, it has been contended that the District Collector is not competent authority to interfere with the disciplinary proceedings conducted against the employee of the Co-operative Society.

5. The learned Counsel for the 4th respondent contends that the Co-operative society had illegally removed the 4th respondent from service by passing a resolution and therefore, there is no illegality in the order of the District Collector, dated 28.7.2001.

6. This Court has considered the submissions made by the parties and perused the material available on record. As rightly contended by the learned Counsel for the petitioners, the District Collector has no authority to interfere with the disciplinary proceedings initiated against the 4th respondent by the Co-operative Society. In view of the same and in view of the subsequent proceedings of the District Collector, dated 7.2.2002, this Court is of the view that the order impugned is liable to be set aside.

7. Accordingly, the Writ Petition is allowed setting aside the order dated 28.7.2001 passed by the District Collector. However,

liberty is given to the 4th respondent to pursue his remedies against the order of his removal before the appropriate forum, if he is so advised. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

(ABHINAND KUMAR SHAVILI, J)

Dated: 27th July, 2018

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Dated: 27.7.2018

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