

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.33091 OF 2011

ORDER

This writ petition is filed seeking the following relief:

“to issue a Writ, Order, or Direction particularly a Writ of Mandamus directing the 3rd respondent to initiate appropriate action against the 4th respondent college with regard to its illegal acts in restraining the petitioner from discharging his duties without terminating the petitioner in accordance with law as the said act is in sheer violation of mandatory provisions of law apart it being illegal, arbitrary, high handed and discriminative, consequently direct the 4th respondent college to allow the petitioner to discharge his duties as Attender and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case”

Heard Sri A.Bhaskara Chary, learned counsel appearing for the petitioner, and learned Government Pleader for Education appearing for respondents 1 to 3 and Sri M.Radha Krishna, learned counsel appearing for the 4th respondent.

It is the case of the petitioner that initially, he was appointed as an Attender on 2.1.1980 in the 4th respondent-College and the post held by the petitioner was admitted into grant-in-aid vide proceedings dated 17.07.2000. While discharging his duties, as such, he was on medical leave in the month of September, 2008. After recovery from his

ill-health, he reported to duty on 24.09.2008. But the 4th respondent-College had not permitted him to join duty. Hence, he submitted a representation on 20.12.2008 to respondents 2 and 3 to take necessary action against the 4th respondent as the 4th respondent has prevented him from discharging his duties. But, no action has been taken thereon. Hence, the petitioner preferred an appeal before the 3rd respondent. The 3rd respondent *vide* letter dated 1.1.2009 had called for a report from the 4th respondent. But, so far, no final orders are passed on the appeal.

Learned Government Pleader appearing for respondents 1 to 3 contends that the appeal preferred by the petitioner will be decided by the competent authority within a reasonable period of time.

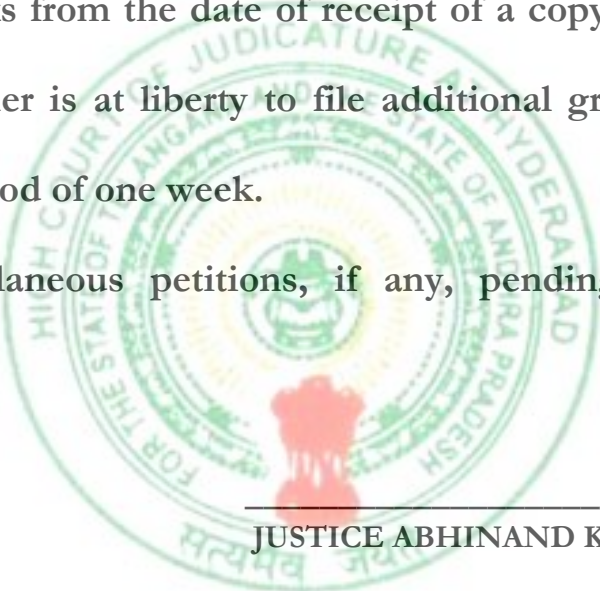
Learned Standing Counsel appearing for the 4th respondent contends that since the petitioner had absented from duties without informing the 4th respondent-Management, his services were treated as absconded; that there are no merits in the writ petition and that the writ petition is liable to be dismissed.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the view that

ends of justice would be met if a direction is given to the 3rd respondent to decide the appeal.

Accordingly, the Writ Petition is disposed of directing the 3rd respondent-Regional Joint Director of Collegiate Education, who is competent authority under A.P.Education Act, to decide the appeal preferred by the petitioner by duly taking into consideration the fact that he had attained the age of superannuation and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order. The petitioner is at liberty to file additional grounds, if any, within a period of one week.

Miscellaneous petitions, if any, pending shall stand closed.



JUSTICE ABHINAND KUMAR SHAVILI

24th October, 2018
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