

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.37233 OF 2018

ORDER

With the consent of learned counsel on either side, this writ petition is disposed of at the admission stage.

This writ petition is filed seeking the following relief:

“... to issue an order or direction more particularly one in the nature of writ of Mandamus declaring the orders dated -7-2018 in Proc.No.MC3/11124/03/2011, dt. 13.08.2018 passed by the Collector and District Magistrate, Ananthapuramu, is liable to be set aside, as capricious, unconstitutional, and as such liable to be set aside in the interest of justice with a consequential direction to the respondents 5 to 7/APSRTC not to initiate any disciplinary proceedings against the petitioner during pendency of the appeal before the 1st respondent 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 S.M.Subhan, learned counsel appearing for the petitioner and learned Government Pleader for Social Welfare appearing for respondents 1 to 4.

It is the case of the petitioner that he belongs to Madari Kuruva Community and after conducting enquiry, the competent authority had issued the caste certificate in the year 1983. Thereafter, based on the said caste certificate, he was appointed as a Conductor in the respondent-Corporation in the year 1988 and thereafter, promoted as ADC and discharging his duties as such. While so, the certificate

produced by the petitioner was doubted by the competent authority and the District Collector, had erroneously cancelled the caste certificate issued in favour of the petitioner vide proceedings dated Nil.07.2018. Aggrieved by the same, the petitioner preferred an appeal before the 1st respondent on 27.09.2018 and the same is pending.

Learned counsel appearing for the petitioner contends that since the 1st respondent has not granted any stay in the application filed along with the appeal, the petitioner may lose his employment in the respondent-Corporation.

Learned Government Pleader appearing for respondents 1 to 4 contends that the 1st respondent will consider the stay application filed by the petitioner and pass appropriate orders, in accordance with law.

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 issued to the 1st respondent to consider and dispose of the stay application filed by the petitioner.

Accordingly, the Writ Petition is disposed of directing the 1st respondent to consider and dispose of the stay application filed along with the appeal and pass appropriate orders within a period of six weeks from the date of receipt of

a copy of this order. Till such time, respondents 5 to 7 shall not initiate any proceedings against the petitioner. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

11th October, 2018
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