

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION Nos.12763 OF 2014 & 26009 OF 2018

DATED :10.09.2018

W.P.No.12763 of 2014 :

Between :

E. Santhosh Kumar S/o.Ramachandram,
41 yrs, Ex-Contract Junior Lineman,
R/o.H.No.5-32, Chakunta Village & Post,
Choppadhandi Mandal,
Karimnagar District, PIN :505 415

.. Petitioner

And

A.P.Northern Power Distribution Company Ltd.,
Vidyuth Soudha, Nakkalagutta, Hanamkonda,
Warangal District,
rep., by its Chairman & Managing Director & others.

.. Respondents



This court made the following :

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WRIT PETITION Nos.12763 OF 2014 & 26009 OF 2018

COMMON ORDER :

Heard learned counsel for the petitioner and Sri Zakir Ali Danish, learned Standing Counsel for TSNPDCL.

2. By order dated 04.03.2014, the services of the petitioner were terminated on the allegation of unauthorized absence by giving one month notice as envisaged in the contract of appointment. Challenging the order of termination petitioner filed W.P.No.12763 of 2014.

3. The Andhra Pradesh State Electricity Board Employees Conduct Regulations is also made applicable to the employees appointed on contract basis. According to Regulation 14 (a) read with Regulation 14 (b) of Andhra Pradesh State Electricity Board Employees' Discipline and Appeal Regulations, an appeal shall lie against discharging contract employee in terms of the contract. By placing reliance on the said provision petitioner preferred appeal on 05.10.2015. Alleging inaction in considering his appeal, petitioner filed W.P.No.26009 of 2018.

4. When the matters are taken up for consideration, learned counsel for the petitioner states that since petitioner has already preferred appeal, for the present he would be satisfied if a direction is given for consideration of appeal and to pass orders within a fixed time frame.

5. Learned Standing counsel pointed out that appeal against the decision of Divisional Engineer, would lie only to Superintending Engineer. Whereas, petitioner claims to have preferred appeal to the Chairman and Managing Director and the same is not maintainable.

6. No doubt as per the Regulations, appeal has to be preferred to the next higher authority i.e., Superintending Engineer. But the appeal submitted by the petitioner on 05.10.2015 is neither rejected on that ground nor it was forwarded to the competent authority but kept pending.

7. Having regard to the said submissions, the Writ Petitions are disposed of directing the Chairman and Managing Director to forward the appeal submitted by the petitioner on 05.10.2015 to the Superintending Engineer (Operation), TSNPDCL, Karimnagar-2nd respondent, within two weeks from the date of receipt of copy of this order. On receiving the appeal, the Superintending Engineer, shall consider the same objectively and pass orders on its merits by assigning due reasons in support of the decision within further period of four (4) weeks from the date of receiving of copy of the appeal along with the records from the headquarters. Pending miscellaneous petitions shall stand closed.

10th September, 2018
Rds

P.NAVEEN RAO,J