

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI**WRIT PETITION No. 44182 OF 2018****ORDER :**

This Writ Petition is filed seeking to issue a Writ of Mandamus declaring the action of the 2nd respondent in not considering and passing appropriate orders on the Mercy Petition dated 25.07.2018 as illegal, arbitrary and contrary to law and seeking a consequential direction to set aside the orders of removal.

2. Heard Mr.P.Govinda Rajulu, Counsel for the petitioner and Mr.A.Rama Rao, Standing Counsel for the respondents-Corporation.

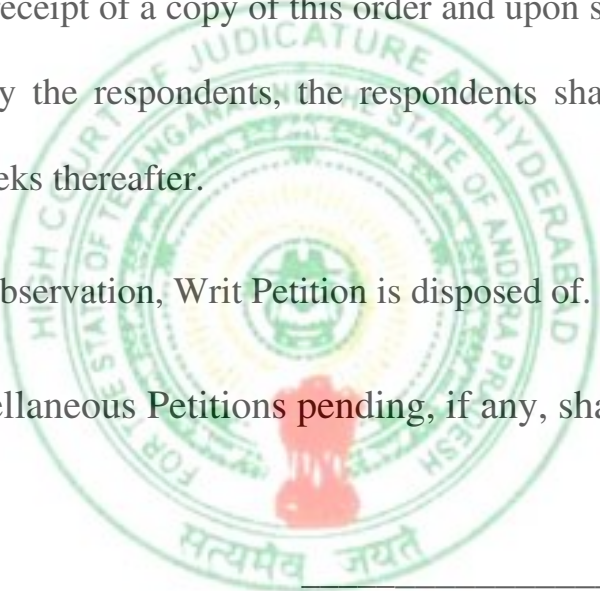
3. It has been contended by the Counsel for the petitioner that she was initially appointed as a Conductor during August, 2007 and while she was discharging her duties, during February, 2017, the respondents have issued a Charge Sheet alleging that she has indulged in cash and tickets irregularities and thereafter, the Disciplinary Authority has conducted the enquiry, and after conducting a detailed enquiry had imposed a punishment of removal, for the proven misconduct, vide orders, dated 29.6.2017. Thereafter, the petitioner has preferred Appeal and Review unsuccessfully and thereafter filed Mercy Petition before the 2nd respondent on 25.07.2018. The 2nd respondent has not passed any orders on the said Mercy Petition and hence the petitioner contends that appropriate orders may be passed in this Writ Petition directing the respondents to consider the Mercy Petition preferred by her.

4. The Standing Counsel for the respondents-Corporation submits that the petitioner never submitted any Mercy Petition to the 1st respondent. The petitioner submitted his Mercy Petition to the Executive Director, who has not been impleaded as party respondent in the Writ Petition and therefore, such a direction, as sought by the petitioner, can never be granted and the Writ Petition is liable to be dismissed.

5. This Court, having considered the rival submissions made by both the parties is of the considered view that this Writ Petition can be disposed of directing the petitioner to submit a fresh Mercy Petition, within two weeks from the date of receipt of a copy of this order and upon such Mercy Petition being received by the respondents, the respondents shall pass appropriate orders in four weeks thereafter.

6. With this observation, Writ Petition is disposed of.

7. The Miscellaneous Petitions pending, if any, shall stand closed.



ABHINAND KUMAR SHAVILI, J

6th December, 2018

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