

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.4158 OF 2019

ORDER

This writ petition is filed seeking the following relief:

“...to issue Writ, Order or Direction more particularly one in the nature of Writ of Mandamus by declaring the action of the respondent Nos.3 to 5 in not admitting the bills submitted by the 2nd respondent is illegal, arbitrary and further direct respondents 3 to 5 to admit the bills submitted by the 2nd respondent *vide* Lr.Roc.No.C1/4831/2009, dt 31.10.2018 for payment of salaries to the petitioner and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

Heard learned counsel on either side.

It is the case of the petitioner that initially he was appointed as Bill Collector and he was discharging his duties as such. While so, the respondents have dismissed him from service *vide* order dated 15.12.2009 on the ground of misappropriation of funds. Challenging the same, the petitioner filed O.A.No.596 of 2010 before the then Andhra Pradesh Administrative Tribunal. The Tribunal *vide* order dated 11.8.2011 allowed the said O.A. Challenging the order passed by the Tribunal, the respondents have preferred W.P.No.1682 of 2012 before this Court. This Court *vide* order dated 22.11.2013 dismissed the said writ petition.

The grievance of the petitioner is that though the respondents have reinstated him into service, they are not paying salary from the date of allowing O.A. i.e., 11.8.2011 till he was reinstated into service i.e., 11.9.2018.

Learned counsel appearing for the petitioner contended that though the 2nd respondent has submitted proposals to the 3rd respondent on 31.10.2018, the 3rd respondent is not passing any orders on the ground that the said proposals should be forwarded through the Government. It is prayed that appropriate orders be passed in the writ petition directing the 2nd respondent to submit proposals to the 7th respondent through the 1st respondent for payment of salary, so that the 7th respondent can pass orders, in accordance with law.

Learned Government Pleader appearing for the respondents contended that the 2nd respondent has directly submitted proposals to the 7th respondent. The 2nd respondent is not the competent authority to forward proposals and it has to be submitted through the 1st respondent. If the 2nd respondent submits proposals to the 7th respondent through the 1st respondent, then the 7th respondent would consider and pass appropriate orders, in accordance with law.

Having considered the rival submissions made by the learned counsel on either side, this Writ Petition can be

disposed of directing the 2nd respondent to submit proposals to the 7th respondent through the 1st respondent within a period of four weeks from the date of receipt of a copy of this order. On receipt of such proposals, the 7th respondent shall consider the same and pass appropriate orders, in accordance with law, within a period of eight weeks thereafter.

Accordingly, the Writ Petition is disposed of. No costs.

Miscellaneous petitions, pending, if any shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

Date: 20.11.2019
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