

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.5170 of 2019

ORDER:

This Writ Petition is filed seeking Writ of Mandamus declaring the action of the respondents in failing to consider the representations of the petitioner, the last being made on 08-02-2019 and further failure to assign seniority at the appropriate place by regularizing the period of absence and granting of all consequential benefits including promotion to the post of Principal as arbitrary, illegal and unconstitutional and sought a consequential direction to direct the respondents to consider the representations of the petitioner and grant all benefits including seniority by assigning appropriate place in the seniority list together with all benefits including promotion by placing before the ensuing DPC for consideration.

2. Heard Sri Rupendra Mahendra, learned counsel for the petitioner and the learned Government Pleader for Services-I appearing for respondents.

3. It has been contended by the petitioner that he is working as Part-time Junior Lecturer in vocational education and petitioner submits that while he was discharging his duties, disciplinary action was initiated against him and he was dismissed from service by proceedings dt.06-01-2007. Thereafter, he has preferred an appeal and the appeal was also rejected by the

respondents on 07-09-2007. The petitioner further submits that challenging the orders of dismissal, he has filed O.A.No.6908 of 2009 before the A.P. Administrative Tribunal, Hyderabad and the Tribunal vide orders dated 11-09-2009 was pleased to allow the O.A. and set aside the orders of dismissal. The petitioner further submits that challenging the orders passed by the Tribunal, the respondents herein had preferred W.P.No.32638 of 2010 before this Court and this Court was pleased to partly allow the Writ Petition, however, confirmed the orders of the Tribunal in respect of setting aside the dismissal orders. However, this Court gave liberty to the respondents to conduct fresh enquiry and pass appropriate orders and the reinstatement of the petitioner would be subject to outcome of the *de novo* enquiry as directed by the High Court. The petitioner further contends that after dismissal of the Writ Petition, respondents have conducted *de novo* enquiry and only after conducting *de novo* enquiry, respondents reinstated the petitioner into service on 10-08-2016.

4. The grievance of the petitioner is that the respondents are not regularizing the period from 06-01-2007 till he was reinstated into service on 10-08-2016 in accordance with Rules and the petitioner has submitted a representation to the respondents on 08-02-2019 requesting the respondents to regularize the period from 06-01-2007 to 10-08-2016 in accordance with rules but the respondents have not passed any orders on the representation

submitted by the petitioner nor regularized the period from 06-01-2017 to 10-08-2016.

5. Therefore, the learned counsel for the petitioner contended that appropriate orders be passed in the Writ Petition directing the respondents to regularize the period from 06-01-2007 to 10-08-2016 and pass necessary orders.

6. Learned Government Pleader for Services-I appearing for the respondents submitted that the case of the petitioner would be considered in accordance with rules and appropriate orders would be passed on the representation submitted by the petitioner.

7. This Court, having considered the rival submissions made by the parties, is of the view that since the petitioner submitted series of representations and the last being dated 08-02-2019, the Writ Petition can be disposed of directing the respondents to consider the representation submitted by the petitioner on 08-02-2019 and pass appropriate orders in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

8. With these observations, the Writ Petition is disposed of. No costs.

9. As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

Date: 13-03-2019
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