

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.6345 of 2019

ORDER:

This Writ Petition is being disposed of at the admission stage with the consent of both the counsel.

2. This Writ Petition is filed seeking Writ of Mandamus declaring the proceedings dated 28-01-2015 dismissing the petitioner from service as Village Revenue Officer (VRO), Bheemavaram village, Yerrupalem Mandal, Khammam District and consequential order of confirming the imposition of major penalty by the 2nd respondent vide proceedings dated 22-09-2018 as arbitrary, illegal and contrary to the provisions of the Rules as envisaged in A.P. Civil Service (Classification, Control and Appeals) Rules, 1991 and sought a consequential direction to direct the respondents to reinstate the petitioner into service with effect from 28-01-2015 with all consequential benefits.

3. Heard Sri S.Syam Sunder Rao, learned counsel for the petitioners and the learned Government Pleader for Services-II appearing for respondents.

4. It has been contended by the petitioner that he was initially appointed as Village Assistant and subsequently on acquiring the eligibility, he was appointed as VRO during the year 2008. He further submits that while he was discharging his duties as

VRO, the disciplinary authority initiated the disciplinary proceedings alleging that the petitioner has recommended the names of ryots for grant of crop reliefs to the farmers illegally and the disciplinary authority vide proceedings dated 28-01-2015 has imposed a major penalty of dismissal. Aggrieved by the same, the petitioner preferred appeal before the appellate authority and appellate authority has rejected the appeal vide orders dated 22-09-2018. Thereafter, the petitioner has preferred a revision before the 1st respondent on 22-03-2019. He further contends that the petitioner is challenging the impugned punishment orders basically on two grounds; initially the disciplinary authority has imposed a punishment of reversion from the post of VRO to that of Village Assistant and later on, the disciplinary authority has enhanced the punishment to that of dismissal without giving any opportunity to the petitioner and without furnishing a copy of the enquiry report to the petitioner. These two factors were not considered by the appellate authority. In those set of circumstances, the petitioner had preferred a revision before the 1st respondent and learned counsel for the petitioner submits that let the 1st respondent consider the revision preferred by the petitioner in accordance with law and appropriate orders be passed.

5. Learned Government Pleader for Services-II appearing for the respondents contended that the revision preferred by the

petitioner would be considered by the 1st respondent and appropriate orders would be passed in accordance with law.

6. This Court, having regard to the rival submissions made by the respective parties, is of the considered view that this Writ Petition can be disposed of by directing the petitioner to file a fresh revision in accordance with Rule 40 of CCA Rules within two weeks from the date of receipt of a copy of this order and upon such revision being preferred, the 1st respondent shall consider and pass appropriate orders in accordance with law in another eight weeks thereafter.

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

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

JUSTICE ABHINAND KUMAR SHAVILI

Date: 27-03-2019
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