

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILU

WRIT PETITION (Tr). No.3368 of 2017

ORDER:

This writ petition is filed seeking the following relief :-

“.... to declare the impugned proceedings in Rc.No. B1/ 1172/ 2014, dated 30.12.2014 issued by the 2nd respondent by dismissing the applicant from service without following any procedure as contemplated under Rule 20 of APCS (CCA) Rules, 1991, and without giving any opportunity to the applicant to defend herself to the above said contemplated procedure is highly illegal, arbitrary, unreasonable discriminatory and without any application of mind and also in violation of principles of natural justice and declare the same as bad in law and set aside the same consequently direct the respondents to reinstate the applicant into service as a Staff Nurse and with all consequential attended benefits”.

Heard Mr.C.Rajasekhar Reddy, learned counsel for the petitioner and the Government Pleader for respondents.

It has been contended by the petitioner that she was appointed as staff nurse with the respondents during 1999 and owing to ill-health she has applied for leave during June, 2007 and consequently owing to severe health issues, she remained absent. But, the respondents, without conducting any enquiry and without giving any opportunity to her, have terminated her services.

Learned counsel for the petitioner submits that appropriate orders be passed in the writ petition by setting aside the order of termination and remanding the matter to the disciplinary authority so as to enable the disciplinary authority to give opportunity to the petitioner and pass appropriate orders.

The learned Government Pleader appearing for the respondents has contended that the petitioner has approached

this Court without exhausting alternative remedy of appeal. The charge memo was issued and after conducting detailed enquiry, the impugned termination order was passed. Therefore, there are no merits in the writ petition and the same is liable to be dismissed.

This Court, having considered the rival submissions made by the learned counsel for the respective parties, is of the considered view that the petitioner has filed the present writ petition without exhausting alternative remedy of appeal.

Therefore, the writ petition is disposed of directing the petitioner to prefer an appeal within two weeks from the date of receipt of a copy of this order. Upon such appeal being preferred by the petitioner, the appellate authority shall entertain the same without raising the limitation aspect and pass appropriate orders in accordance with law within four months thereafter. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

Date: 13-08-2019
Prv

ABHINAND KUMAR SHAVIL, J

