

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.8876 OF 2019

ORDER:

This writ petition is being disposed of at the admission stage with the consent of learned counsel for both parties.

This writ petition is filed seeking to issue a writ of Certiorari calling for the records relating to issuance of impugned endorsement vide CCT's Ref.No.TS/C//E/1012/2015 dated 27.03.2019 of the 2nd respondent and set aside the same by declaring it as illegal, arbitrary, unconstitutional and the one passed without application of mind and also sought a consequential direction to the 2nd respondent appellate authority to examine and consider the appeal dated 28.11.2018 filed by the petitioner against the proceedings dated 24.10.2018 of the 3rd respondent and pass appropriate orders as per law allowing the appeal.

Heard learned counsel for both parties.

Learned counsel for the petitioner contends that the petitioner preferred an appeal before the 2nd respondent appellate authority on 28.11.2018 against the orders of removal issued vide proceedings dated 24.10.2018, but so far the appellate authority has not passed any orders on the said appeal. Learned counsel also brought to the notice of this Court that vide impugned endorsement dated 27.03.2019, an appeal preferred by the petitioner against the orders of deemed to have been resigned from service was rejected by the appellate authority without giving any reasons. Therefore, learned counsel contends that appropriate orders be passed in the writ petition directing the appellate authority to consider and dispose of the appeal preferred by the petitioner on 28.11.2018 in accordance with law and after giving opportunity to the petitioner, if necessary.

Learned Government Pleader appearing for the respondents had contended that the appellate authority would consider the appeal preferred by the petitioner on 28.11.2018 and pass appropriate orders, if necessary by giving opportunity to the petitioner.

This Court, having considered the submissions of learned counsel for both parties, is of the considered view that this writ petition can be disposed of directing the appellate authority to consider the appeal preferred by the petitioner on 28.11.2018 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. It is needless to say that the appellate authority will give opportunity to the petitioner in accordance with law.

With the above observations, the writ petition is disposed of. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

Dated: 24th April, 2019
v v