

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.11163 OF 2019

ORDER:

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

Heard Sri N. Ananda Rao, learned counsel appearing for the petitioner, learned Government Pleader for Panchayat Raj and Rural Development appearing for the first respondent and Ms. Padmarekha, learned Standing Counsel appearing for respondents 2 to 5.

It has been contended by the petitioner that he is working as a Field Assistant since 06.10.2006 and while he was discharging his duties, he has tendered his resignation on 10.10.2015. Accordingly, the petitioner was relieved from services. Thereafter, the petitioner has submitted a representation to the respondents to permit him to withdraw his resignation and allow him to join duties. The Director, Panchayat Raj and Rural Development, was pleased to consider the said representation and passed orders on 08.01.2016 wherein the petitioner was permitted to be reinstated into service, if the post is still lying vacant and if the credentials of the petitioner are good in the past and if he has not involved in any social audit/disciplinary case. In pursuance thereto, the petitioner has approached the respondents requesting to reinstate him into service. But the respondents have initiated disciplinary proceedings based on social audit report and after

detailed enquiry, passed orders of removal dated 06.02.2016. Aggrieved by the same, the present Writ Petition is filed.

Counsel for the petitioner submits that the orders of removal dated 06.02.2016 were served on the petitioner on 22.06.2016 and the petitioner has preferred an appeal against the orders of removal to the appellate authority on 16.05.2016. Instead of entertaining the appeal, the appellate authority, on merits, has rejected the appeal on the ground that the appeal is time barred. Counsel for the petitioner submits the petitioner has not been involved in any irregularities or misappropriation. The appellate authority, instead of adjudicating the case on merits, rejected the case only on the grounds of delay and laches. Therefore, counsel for the petitioner requests to reconsider the appeal preferred by the petitioner on merits and appropriate orders be passed in accordance with law.

Learned Standing Counsel appearing for the respondents submits that the case of the petitioner would be considered by the appellate authority based on the merits and appropriate orders would be passed in accordance with law.

Having considered the rival submissions made by the learned counsel on either side, this Writ Petition is disposed of and the impugned rejection order of the appellate authority dated 18.06.2016 is set aside and the matter is remanded to the appellate authority to adjudicate the appeal afresh and pass appropriate orders, in accordance with law, after giving reasonable opportunity to the petitioner within a reasonable time, preferably within a period of eight (8) weeks. It is needless to state that the petitioner, if he is advised so, can file additional

grounds in the appeal. There shall be no order as to costs.

Miscellaneous petitions, if any, pending shall stand closed.

(ABHINAND KUMAR SHAVILI, J)

1st July 2019
RRB

