

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION Nos.12180 & 13228 of 2019

COMMON ORDER:

These writ petitions are being disposed of at the admission stage with the consent of all the parties.

W.P.No.12180 of 2019 is filed by an employee, in whose favour the appellate authority had granted an order of interim suspension of the termination orders, challenging the action of the disciplinary authority i.e., the 3rd respondent in not implementing the interlocutory orders passed by the appellate authority.

W.P.No.13228 of 2019 is filed by the disciplinary authority challenging the interlocutory orders passed by the appellate authority, on the ground that the appellate authority has no power to grant interlocutory orders, more so interim suspension of the termination orders.

Counsel appearing for the employee had submitted that if both the writ petitions are disposed of directing the appellate authority to pass final orders on the appeal preferred by the employee, instead of adjudicating the case as to whether the appellate authority has got powers to pass interlocutory orders or not, ends of justice would be met. Therefore, counsel for the employee had submitted that appropriate orders be passed in these writ petitions directing the appellate authority to decide the main appeal itself within a reasonable period of time, preferably within two months.

Counsel appearing for the disciplinary authority i.e., petitioner in W.P.No.13228 of 2019 had also agreed that ends of justice would be met if the appellate authority passes final orders on the appeal preferred by the employee, instead of reinstating the employee in pursuance of the interlocutory orders passed by the appellate authority.

Counsel appearing for the appellate authority has also agreed that the appellate authority would pass final orders on the appeal preferred by the employee, within the time frame fixed by this Court.

This Court, having considered the rival submissions made by the parties, is of the considered view that the interim order, dated 21.05.2019, in I.A.No.1 of 2019 in Appeal No.1 of 2019, is set aside and the appellate authority is directed to adjudicate the appeal itself preferred by the employee and pass final orders thereon within a reasonable period of time, preferably within a period of two months from the date of receipt of a copy of this order, after giving opportunity to the employee. It is needless to say that the appellate authority shall consider the appeal independently, on its own merits, without being influenced by the submission made by the counsel for the employee agreeing for setting aside the interim orders.

With the above directions, these writ petitions are disposed of. No costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J