

THE HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.14298 of 2019

ORDER:

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

2. This writ petition is filed seeking a writ of Mandamus declaring the action of the respondents in issuing order, dated 27.12.2017, read with corrigendum, dated 06.01.2018, dismissing the petitioner from service as illegal, arbitrary, contrary to law and violative of principles of natural justice and sought a consequential direction to direct the respondents to take the petitioner into service with continuity of service with all consequential benefits.

3. Heard Sri Chennupati Srinivas, learned counsel for the petitioner and Sri J.Srinivas Rao, learned Standing Counsel appearing for the respondents.

4. It has been contended by the petitioner that he was working as General Mazdoor with the respondents and he has been discharging his duties to the best satisfaction of the superiors and every one concerned. The petitioner was appointed on compassionate grounds, however it has been alleged that the petitioner has impersonated his own brother and secured the employment with the respondents and the said conduct of the petitioner was construed as misconduct and disciplinary authority had initiated disciplinary proceedings and after conducting enquiry, imposed a major penalty of dismissal from service, vide orders, dated 27.12.2017, read with corrigendum, dated 06.01.2018. Aggrieved by the same, the

petitioner has preferred an appeal to the appellate authority on 08.03.2019 and the same is pending before the appellate authority. Therefore, learned counsel for the petitioner submitted that appropriate orders be passed in the writ petition directing the appellate authority to dispose of the appeal preferred by the petitioner on 08.03.2019 and also give opportunity of personal hearing to the petitioner at the time of deciding the appeal.

5. Learned Standing Counsel appearing for the respondents had submitted that the case of the petitioner would be considered by the appellate authority and appropriate orders would be passed on the appeal preferred by the petitioner in accordance with law and if rules permit, the petitioner would be heard at the time of adjudicating the appeal.

6. This Court, having considered the rival submissions of the learned counsel for respective parties, is of the considered view that this writ petition can be disposed of directing the appellate authority to dispose of the appeal preferred by the petitioner on 08.03.2019 after giving opportunity to the petitioner and pass appropriate orders in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

7. With these observations, the writ petition is disposed of.

Miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

ABHINAND KUMAR SHAVILI, J

12th July 2019

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