

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P(TR).No.862 of 2017

ORDER:

This Writ Petition is filed challenging the impugned termination order dated 22.08.2013 issued by the 1st respondent on the ground that petitioner has produced bogus caste certificate.

It has been contended by the petitioner that the 1st respondent passed impugned termination order dt.22.08.2013 without conducting any enquiry as per the procedure contemplated under C.C.A. Rules 1991 and therefore the same liable to be set aside on the ground of non-compliance of the procedure.

Learned counsel for the petitioner submits that the District Collector has cancelled the caste certificate of the petitioner vide proceedings dated 28.06.2013. Challenging the said order, the petitioner has preferred statutory appeal before the State Government and the State Government vide order dated 25.05.2015 was pleased to stay the orders passed by the District Collector.

Also challenging the impugned termination orders dt.22.08.2013, the petitioner filed O.A.No.6474 of 2013 before the Tribunal and the Tribunal was pleased to suspend the said termination orders vide order dated 30.08.2013. In spite of Tribunal suspending the impugned termination orders dated 22.08.2013, the respondents have not reinstated the petitioner into service.

Learned counsel further submits that the cancellation orders passed by the District Collector is the subject matter of the appeal preferred by the petitioner, which is pending before the State Government and till the disposal of the appeal preferred by the petitioner, the impugned termination orders be set aside and appropriate orders be passed in the writ petition directing the respondents to reinstate the petitioner into service.

Learned Government Pleader for respondents submits that in view of the orders passed by the Tribunal and the State Government in the appeal preferred by the petitioner against the cancellation termination orders, the respondents would consider the case of the petitioner for reinstatement into service and appropriate action would be taken against the petitioner subject to outcome of the appeal preferred by the petitioner.

Having regard to the rival submissions made by the parties, this Court is of the considered view that this Writ Petition can be disposed of by directing the respondents to reinstate the petitioner into service and any disciplinary action initiated against the petitioner will be subject to outcome of the appeal preferred by the petitioner which is pending before the State Government against the orders passed by the District Collector.

With these observations, the Writ Petition is disposed of. No costs.

As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

Date: 25-06-2019
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