

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.25547 of 2019

ORDER:

Heard Sri V.Jagapathi, learned counsel for the petitioner and the learned Government Pleader for Services-III. With the consent of learned counsel for the respective parties, this Writ Petition is disposed of at the admission stage.

This writ petition is filed seeking the following relief :-

“.....Mandamus, declaring the action of Respondents 1 & 2 in not passing orders on the Statutory Appeal preferred by the petitioner on 10.08.2017, against major punishment of “Removal from Service” treating the leave applied period as Dies-non, vide Proceedings No.16452/Ser.II (3)/2014 dt.21.07.2017 issued by 3rd Respondent without any Inquiry and without any competence, as arbitrary, violative of principles of natural justice, illegal and contrary to the provisions of APCS (CC & A) Rules, 1991 and consequently, direct Respondents 1 & 2 to pass appropriate orders, on the said Statutory Appeal dt.10.08.2017, taking into consideration of the representation dt.04.09.2019 of the Petitioner with all other consequential benefits”

It has been contended by the petitioner that he has been working as Deputy Executive Engineer and discharging his duties to the best satisfaction of his superiors and every one concerned. While so, the 3rd respondent imposed a major punishment of removal from service vide proceedings dt.21.07.2017 on the ground that petitioner remained absent unauthorizedly on two spells i.e., 31.03.2006 to 19.05.2011 and from 26.03.2012 to 20.02.2017. Against the said removal

orders, petitioner preferred an appeal on 10.08.2017, but so far, the appellate authority has not disposed of the said appeal.

Learned counsel for the petitioner contends that appropriate orders be passed in this writ petition directing the respondents to consider the appeal preferred by the petitioner on 10.08.2017 and pass appropriate orders in accordance with law, within a reasonable period of time.

Learned Government Pleader appearing for the respondents contends that since the appeal preferred by the petitioner on 10.08.2017 is pending before appellate authority, the appellate authority would consider the same and pass appropriate orders, in accordance with the law.

This Court, having considered the rival submissions of the learned counsel appearing for the respective 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 10.08.2017 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.

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

Date: 20-11-2019
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