

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILU

WRIT PETITION No.37344 of 2013

ORDER:

This writ petition is filed seeking the following relief :-

“.....to issue writ, order or direction more particularly one in the nature of Writ Of Mandamus declaring the action of the 1st respondent in not considering the Appeal dated 18.12.2012, which was preferred against Force Order No 98/ 2012, dated 1.6.2012 issued by the 2nd respondent inspite of legal notice dated 5.4.2013 is illegal, arbitrary and violative of Articles 14 & 16 of Constitution of India and consequently direct the 1st respondent to reinstate the petitioner duly considering the Appeal dated 18.12.2012, which was preferred against Force Order No.98/ 2012 dated 1.6.2012 issued by the 2nd respondent”.

Heard Mr.J.M.Naidu, learned counsel for petitioner and the learned Standing Counsel for respondents.

It has been contended by the petitioner that he was appointed as Constable on 18.11.1979. While he was discharging his duties, the respondents have forcibly issued orders of compulsory retirement vide Force Order No.98/2012 dated 01.06.2012. Challenging the same, the petitioner has preferred an appeal before the 1st respondent on 18.12.2012. But, so far, the 1st respondent has not passed any orders on the appeal preferred by the petitioner nor reinstated the petitioner into service.

Learned counsel for the petitioner contended that appropriate orders be passed in the writ petition directing the 1st respondent to dispose of the appeal preferred by the petitioner on 18.12.2012 against Force Order No.98/2012 dated 01.06.2012.

Learned Standing Counsel appearing for respondents has contended that the 1st respondent would consider the appeal filed

by the petitioner and appropriate orders would be passed in accordance with law.

This Court, having considered the rival submissions, is of the considered view that this writ petition can be disposed of directing the 1st respondent to consider the appeal preferred by the petitioner on 18.12.2012 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.

20-02-2019
Prv

ABHINAND KUMAR SHAVIL, J



