

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.45374 of 2018

ORDER:

This writ petition is filed seeking a Writ of Mandamus declaring the action of respondents in issuing the impugned proceedings dated 03.12.2018 by the 3rd respondent in imposing the major penalty of reduction to lower post i.e. Senior Assistant on the same previous charges without conducting any inquiry or giving reasonable opportunity to prove his innocence, amounts to illegal, arbitrary, unjust, bias, discriminatory, null and void, violative of Rule 22 of A.P. Civil Services (C.C.&A) Rules, 1991 and violative of the principles of natural justice and violative of Articles 14 and 21 of the Constitution of India and consequently set aside the impugned Proceedings dated 03.12.2018 passed by the 3rd respondent with all consequential benefits.

Heard Sri K.Laxmi Manohar, counsel for petitioner and the learned Government Pleader, for respondents.

It has been contended by the petitioner that he has been reverted from the post of Deputy Tahsildar to that of Senior Assistant vide proceedings dated 03.12.2018 without conducting any inquiry and without giving any opportunity. The petitioner further contends that earlier, he filed a writ petition seeking promotion to the post of Tahsildar, when the 3rd respondent was not considering his case for promotion on the ground that disciplinary action was pending against the petitioner for the alleged irregularities of short supply of red gram

and to that effect, a criminal case was also registered against the petitioner in Crime No.42 of 2012. This Court granted interim direction on 11.10.2017 in WPMP.No.42188 of 2017 in W.P.No.33912 of 2017, directing the respondents to consider the case of the petitioner for promotion to the post of Tahsildar strictly in terms of G.O.Ms.No.257, dated 10.06.1999. Petitioner further contends that the respondents, instead of considering his case in terms of interlocutory orders passed by this Court, respondents have reverted the petitioner from the post of Deputy Tahsildar to that of Senior Assistant vide impugned proceedings dated 03.12.2018. Counsel for petitioner further contend that against the orders of reversion passed by the 3rd respondent, the petitioner has preferred appeal to the 2nd respondent on 02.01.2019, but so far, the 2nd respondent has not passed any orders on the appeal preferred by the petitioner, and the petitioner contend that appropriate orders be passed in the writ petition directing the 2nd respondent i.e. the appellate authority to consider the appeal preferred by the petitioner on 02.01.2019 and pass appropriate orders in accordance with law.

The learned Government Pleader appearing for respondents contend that the appeal preferred by the petitioner would be disposed of in accordance with law within a reasonable time.

This Court, having considered the rival submissions of the parties, is of the considered view that this writ petition can be disposed of directing the 2nd respondent/appellate authority to consider the appeal preferred by the petitioner on 02.01.2019 and pass

appropriate orders in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

With these observations, the writ petition is disposed of.

No order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

25th January 2019

ajr