

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.42783 OF 2017

**ORDER:**

With the consent of both parties, this writ petition is being disposed of at the admission stage.

This writ petition is filed seeking the following relief:

“..to issue an appropriate Writ, Order of direction, preferably one in the nature of Writ of Mandamus and to declare the action of the 2<sup>nd</sup> respondent in not passing orders on the appeal dt.17.04.2017 pursuant to the Impugned Proceedings No.FNLN/MBNR/27, dated 10.10.2016 of the 3<sup>rd</sup> respondent, wherein, passing final orders by revising the final orders dated 06.01.2016 and requested for renewal of contract period of the petitioner as a Technical Assistant at Peddamandadi Mandal, Wanaparthy District is highly illegal, arbitrary, unreasonable, discriminatory and also in violation of principles of natural justice and declare the same as bad in law and consequently direct the respondents to pass appropriate orders on the appeal dated 17.04.2017 of the petitioner which is pending before the 2<sup>nd</sup> respondent till date and to pass such other order or orders as this Hon'ble Court may deems fit, just and proper in the circumstances of the case.”

Heard the learned counsel for both parties.

It has been contended by the petitioner that he was initially appointed as Technical Assistant during 1995 on contract basis and since then, he has been discharging his duties to the best satisfaction of his superiors and every one concerned. The petitioner further submits that during 2012-2013, certain allegations were levelled against him based upon the audit report and, later on, a show cause notice was issued to him on 16.05.2013. The petitioner also submits that he has submitted a detailed explanation to the said show cause notice on 25.03.2015 and thereafter the 3<sup>rd</sup> respondent has passed final orders on 07.05.2015 directing the petitioner to pay an amount of Rs.63,272/- and also imposed penalty of Rs.1,000/-. It is also stated that on the very same

audit report, the 3<sup>rd</sup> respondent once again issued a show cause notice dated 16.05.2013 to the petitioner and the petitioner submitted explanation thereto on 28.06.2015 and thereafter the 3<sup>rd</sup> respondent once again passed final orders on 06.01.2016 ordering an amount of Rs.26,628/- to be recovered from the petitioner. The petitioner submits that since certain allegations were levelled against him, his services were not renewed as contract Technical Assistant. Aggrieved by the same, the petitioner has preferred an appeal to the 2<sup>nd</sup> respondent on 17.04.2017, but so far the 2<sup>nd</sup> respondent has not passed any orders on the appeal preferred by the petitioner and that the respondents are not considering the case of the petitioner for renewal of his contract.

Learned counsel for the petitioner submits that appropriate orders be passed in the writ petition directing the 2<sup>nd</sup> respondent to pass appropriate orders on the appeal preferred by the petitioner on 17.04.2017 in accordance with law.

Learned Standing Counsel appearing for the 3<sup>rd</sup> respondent had submitted that the case of the petitioner would be considered by the respondents and appropriate orders would be passed on the appeal preferred by the petitioner.

This Court, having considered the rival submissions of the learned counsel for both parties, is of the considered view that this writ petition can be disposed of directing the 2<sup>nd</sup> respondent to consider the appeal preferred by the petitioner on 17.04.2017 and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order.

With the above direction, the writ petition is disposed of. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

**ABHINAND KUMAR SHAVILI, J**