

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.46101 OF 2018

ORDER:

This writ petition is filed seeking a writ of mandamus to declare the action of the 2nd respondent who is looking after all the legal and disciplinary matters of the 1st respondent in passing removal orders vide proceedings dated 06.11.2018 in the capacity of revisional authority and directing the petitioner to file appeal before the 3rd respondent/Divisional authority as illegal, arbitrary and violative of Article 14 and 16 of Constitution of India and sought for a consequential direction to direct the respondents to reinstate the petitioner into service with all consequential benefits like arrears of back wages, seniority, promotion, pay fixation etc.

Heard Sri J.M.Naidu, learned counsel for petitioner and Sri N.Vasudeva Reddy, learned Standing counsel for respondents.

It has been contended by the petitioner that he was appointed as driver and while he was discharging his duties, alleged mis-conduct of absenting for duties unauthorisedly and violating the instructions of higher officials, disciplinary action was initiated against the petitioner and after detailed enquiry had imposed a punishment of removal vide order dated 06.11.2018. Petitioner further contends that he preferred an appeal before the appellate authority on 05.01.2019 and the same is pending.

Learned counsel for the petitioner contends that petitioner fell sick and submitted medical certificates in respect of the same. But the disciplinary authority without taking into account the medical certificates furnished by the petitioner imposed punishment of removal vide order dated 06.11.2018. He further contends that

appropriate orders be passed in the writ petition directing the appellate authority to consider the appeal preferred by the petitioner on 05.01.2019 along with medical certificates and appropriate orders be passed in accordance with law.

Learned Standing counsel submits that the case of the petitioner would be considered by the appellate authority and appropriate orders would be passed in accordance with law.

This Court, having considered the rival submissions of both the parties, is of the considered view that this writ petition can be disposed of directing the 3rd respondent/appellate authority to consider the appeal preferred by the petitioner and pass appropriate orders in accordance with law within a period of six (06) weeks from the date of receipt of copy of this order.

With the above observations, the writ petition is disposed of. There shall be no order as to costs.

Pending miscellaneous applications, if any, shall stand closed in consequence.

ABHINAND KUMAR SHAVILI,J

Date: 01.02.2019
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