

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY

PRESENT

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO: 15673 OF 2020

Between:

K. Amarender Goud, S/o. Eeshwaralah Goud, Aged about 55 years, Occ.Senior Assistant, Circle 3 (Old 3A), L.B.Nagar, Greater Hyderabad Municipal Corporation, Hyderabad (Under orders of removal)

...PETITIONER

AND

1. The State of Telangana, rep. by its Principal Secretary, Municipal Administration and Urban Development Department, Secretariat, Hyderabad.
2. The Greater Hyderabad Municipal Corporation, rep. by its Commissioner, Tankbund, Hyderabad.
3. The Zonal Commissioner, L.B.Nagar Zone, Greater Hyderabad. Municipal Corporation, Hyderabad.
4. The Deputy Commissioner, Circle 3, Hayathnagar Circle, GHMC, Hyderabad Municipal Corporation, Hyderabad

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased 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 finalizing the statutory Appeal filed by the petitioner under Rule 36 of TSCS(CC & A) Rules which was filed against the orders of removal passed by the 2nd respondent dt. 08/02/2019 on the allegation of unauthorized absence as void, illegal, arbitrary and contrary to TSCS(CC & A) Rules consequently direct the 1st respondent to pass appropriate orders on the Statutory Appeal filed by the petitioner dt. 08/02/2019 within specified period.

IA NO: 1 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the 1st respondent to pass appropriate orders on the Statutory Appeal filed by the petitioner dt. 08/02/2019 within a specified period pending disposal of the above writ petition.

Counsel for the Petitioner: SRI S. JAGADISH

Counsel for the Respondent No.1: GP FOR SERVICES-III

Counsel for the Respondent Nos.2 to 4: SRI L.DAYAKAR REDDY, SC FOR GHMC

The Court made the following: ORDER

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.15673 OF 2020

ORDER:

This writ petition is being disposed of at the admission stage with the consent of both the parties.

Heard Sri S.Jagadish, learned counsel for the petitioner and the learned Government Pleader for Services-III.

This writ petition is filed seeking the following relief :-

".....Writ of Mandamus the declaring the action of the 1st respondent in not finalizing the statutory Appeal filed by the petitioner under Rule 36 of TSCS (CC&A) Rules which was filed against the orders of removal passed by the 2nd respondent dt.08.02.2019 on the allegation of unauthorized absence as void illegal, arbitrary and contrary to TSCS (CC&A) Rules and consequently direct the 1st respondent to pass appropriate orders on the Statutory Appeal filed by the petitioner dt.08.02.2019 within a specified period and to pass such other order....."

It has been contended by the petitioner that he is presently working as Senior Assistant, Circle 3 (Old 3A), L.B.Nagar, Greater Hyderabad Municipal Corporation and while he was working as Bill Collector disciplinary proceedings were initiated against him for the alleged unauthorised absence and the disciplinary authority imposed major penalty of removal from service vide order dated 08.02.2019. Aggrieved by the same, he preferred an appeal to the State Government on 02.08.2019. The grievance of the petitioner is that though more than one year has lapsed, the respondents have not disposed of the appeal preferred by him.

Therefore, learned counsel for the petitioner contends that appropriate orders be passed in the writ petition directing the respondents to dispose of the appeal preferred by the petitioner on 02.08.2019 within a reasonable period.

Learned Government Pleader appearing for the respondents contends that the petitioner had submitted a representation to the Minister for Prohibition & Excise, Sports Youth Services, Tourism Cultural and Archaeology and the same cannot be treated as an Appeal. However, the file has been forwarded to the State Government and the State Government would pass appropriate orders on the said file within a reasonable period in accordance with 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 1st respondent to dispose of the appeal preferred by the petitioner on 02.08.2019 within a reasonable period preferably within four (04) months from the date of receipt of copy of this order.

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

Pending miscellaneous petitions, if any, shall stand closed.

//TRUE COPY//

SD/- M.MANJULA
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Principal Secretary, Municipal Administration and Urban Development Department, State of Telangana, Secretariat, Hyderabad.
2. The Commissioner, Greater Hyderabad Municipal Corporation, Tankbund, Hyderabad.
3. The Zonal Commissioner, L.B.Nagar Zone, Greater Hyderabad. Municipal Corporation, Hyderabad.
4. The Deputy Commissioner, Circle 3, Hayathnagar Circle, GHMC, Hyderabad Municipal Corporation, Hyderabad
5. One CC to Sri S. Jagadish, Advocate [OPUC]
6. One CC to Sri L.Dayakar Reddy, SC for GHMC, Advocate [OPUC]
7. Two CCs to GP for Services-III, High Court for the State of Telangana at Hyderabad. [OUT]
8. Two CD Copies

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HIGH COURT

DATED:16/09/2020



ORDER

WP.No.15673 of 2020

DISPOSING OF THE WP
WITHOUT COSTS

(10) VLV
25/9/20