

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)**

TUESDAY, THE NINETEENTH DAY OF JULY
TWO THOUSAND AND TWENTY TWO

PRESENT

**THE HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI
AND
THE HONOURABLE SRI JUSTICE N.V.SHRAVAN KUMAR**

WRIT PETITION NO: 22371 OF 2004

Between:

Government of Andhra Pradesh, Rep. by its Principal Secretary to
Government, Revenue Department, A.P. Secretariat, Hyderabad.

...PETITIONER

AND

1. M. Venkateshwara Rao (died per L.Rs.)
2. Smt. Madiraju Swarna Latha W/o. Late Venkateshwara Rao, aged 66 years,
Occ: Household
3. Somaraju Sailaja Kumari, /o. Late Venkateshwara Rao, aged 42 years, Occ:
Household
4. Masdali Shashikala /o. Late Venkateshwara Rao, aged 43 years, Occ:
Household
5. Kondapalli Laxmikalyani, D/o. Late Venkateshwara Rao, aged 45 years,

All are R/o. H.No. 17-1-92/71, Kothapeta Colony Bhadrachalam village and
Mandal, Bhadrachalam Kothagudem District.

...RESPONDENT

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 a Writ, Order or Direction more particularly one in the nature of
Writ of " Certiorari" and calling for the records relating to the orders of the
Hon'ble A.P. Administrative Tribunal, Hyderabad passed in O.A.No.3194/2004 dt.
26-5-2004 and quash the same.

I.A. NO: 1 OF 2004(WPMP. NO: 29368 OF 2004)

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
suspend the operation of the orders of A.P. Administrative Tribunal, Hyderabad
passed in O.A.No.3194/2004 dt. 26-5-2004 pending disposal of the above Writ
Petition

I.A. NO: 1 OF 2005(WVMP. NO: 437 OF 2005)

Between:

M. Venkateshwara Rao, S/o. Late Ramchander Rao, aged about 54 yrs,m
Occ: Dy. M.R.O, Velerupadu, Khammam District.

...PETITIONER/RESPONDENT

AND

Government of Andhra Pradesh, Rep. by its Principal Secretary to
Government, Revenue Department, A.P. Secretariat, Hyderabad.

...RESPONDENT/PETITIONER

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
vacate the interim orders passed in WPMP No.29368/2004 in WP
No.22371/2004 dt. 24.1.2005

Counsel for the Petitioner: GP FOR SERVICES II

Counsel for the Respondents: SRI. K AMARENDER RAJU

The Court made the following:

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

AND

THE HON'BLE SRI JUSTICE N.V. SHRAVAN KUMAR

Writ Petition No.22371 of 2004

ORDER : *(Per Hon'ble Justice Abhinand Kumar Shavili)*

This writ petition is filed seeking 'Writ of Certiorari' by calling for the records relating to the orders of the Andhra Pradesh Administrative Tribunal, Hyderabad passed in OA No.3194 OF 2004, dated 26.5.2004 by setting aside the said order and quash the same.

2. Heard, learned Government Pleader for Service-II for petitioner and Sri K.Amarender Raju, learned counsel for the respondent.

3. Learned Government Pleader for petitioner contended that respondent was working as Deputy Mandal Revenue Officer, and the State Government has issued a punishment of stoppage of two increments with cumulative effect, vide G.O. RT No.2071 29.10.2003 and the same was challenged by the respondent by filing OA No.3194 of 2004 before the Andhra Pradesh Administrative Tribunal (for short 'the Tribunal'), and the Tribunal without appreciating any of the contentions raised by the

petitioner has disposed of the OA No.3194 of 2004, dated 26.05.2004 by setting aside the order of punishment on the ground that the State Government has not consulted with the Disciplinary Authority, as per Rules 24 of APCS (CC&A) Rules and came to conclusion that there are procedural irregularities .

4. Learned Government Pleader for petitioner further contended that in all fairness, the matter ought to have been remanded back to the Government for fresh consideration, but the Tribunal has set aside the punishment, therefore appropriate orders be passed in this writ petition by setting aside the order passed by the Tribunal in OA No.3194 of 2004 dated 26.05.2004.

5. The learned counsel for the respondent contended that the Tribunal has rightly set aside the orders of punishment, however gave liberty to the petitioner to conduct fresh enquiry. But instead of conducting fresh enquiry, the petitioner has filed the present writ petition. The counsel for the respondent has further informed the Court that the respondent has retired from service and also expired, and at this point, no purpose would be served, if order passed by the Tribunal is set aside. Therefore there are no merits in the writ petition and the same is liable to be dismissed.

6. This Court having made the rival submission made by the parties is of considered view that the Tribunal has set aside the orders of punishment and gave liberty to the petitioner to conduct fresh enquiry and it was always open to the petitioner to conduct the enquiry by following due process of law. Now that the petitioner has retired from service and also expired, at this point of time, setting aside the orders of the Tribunal would cause irreparable loss to the respondent. Accordingly, this Court is not inclined to interfere with order passed by the Tribunal. It is needless to say that the petitioner shall settle the pensionary benefits of the respondent, if not already settled in favour of the legal representative of the deceased respondent.

7. Accordingly, Writ petition is dismissed. Miscellaneous applications pending if any in this Writ Petition, shall stand closed.
No Costs.

//TRUE COPY//

SD/-T.SRINIVAS
DEPUTY REGISTRAR

SECTION OFFICER

To,

1. One CC to Sri, K Amarender Raju, Advocate [OPUC]
2. Two CCs to GP for Services II, High Court for the State of Telangana. [OUT]
3. Two CD Copies.
4. One Spare Copy

PM

HIGH COURT

DATED:19/07/2022

ORDER

WP.No.22371 of 2004



Dismissing the WP
without costs.

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[Signature]
12/09/2022