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THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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DATED: 31-08-2005

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WRIT PETITION No.19151 OF 2005

Between:

P.Narsinga Rao . . .Petitioner

And

The Chief General Manager and another . . .Respondents

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THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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WRIT PETITION No.19151 OF 2005

ORDER:

The petitioner was initially appointed as a Lower Division Clerk in the erstwhile Andhra Pradesh State Electricity Board and was entrusted with the duties of collection of bills. Subsequently, he was promoted as U.D.C. in the year 1999. The petitioner was issued a charge memo dated 26-02-2004, wherein, certain instances of excess and deficit remittances were pointed out. Ultimately, after conducting departmental enquiry, the second respondent passed an order dated 21-07-2005 imposing the punishment of reversion to the post of Lower Division

Clerk permanently, and restricting the subsistence allowance to the amount already paid.

The learned counsel for the petitioner submits that the punishment is absolutely disproportionate to the charges levelled against the petitioner, and that the relevant rules do not provide for imposition of such punishment.

Sri Samineni Kishore, the learned Standing Counsel appearing for the respondents, on the other hand, submits that the service rules provide for an appeal against the impugned order and the writ petition cannot be maintained.

Though extensive submissions, touching on merits and procedure, have been made by the learned counsel for the petitioner, this Court is not inclined to deal with the same. The reason is that the rules provide for an appeal against the order of imposing punishment. The appellate authority will be in a better position to appreciate the matter even from the factual point of view. The petitioner is not able to convince this Court as to how he can approach this Court straight away without exhausting an effective alternative remedy. The only ground urged is that the appellate authority may take its own time and in the meanwhile, the petitioner would be subjected to hardship.

Having regard to the facts and circumstances of the case, the writ petition is disposed of leaving it open to the petitioner to avail the remedy of appeal. If the appeal is presented, the appellate authority shall consider and dispose of the same, within a period of three months from the date of filing.

(L.NARASIMHA REDDY, J)

31st AUGUST, 2005.

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