

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.4332 of 2019

ORDER

This writ petition is filed seeking the following relief:

“.....to issue an appropriate Writ, Order or direction more particularly one in the nature of Writ of Certiorari to call for the records relating to the Proc Rc.No.1307/16-E2, dated 1.2.2019 issued by the 2nd respondent and quash the same by holding it as illegal, bad, arbitrary and further direct the respondents to reinstate the petitioner into service with all consequential benefits and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.”

Heard Sri J.R.Manohar Rao, learned counsel appearing for the petitioner, and learned Government Pleader for Industries and Commerce appearing for the respondents.

It is the case of the petitioner that he is working as Assistant Director with the respondents. While so, the disciplinary authority after conducting detailed enquiry, imposed the major penalty of dismissal from service *vide* order dated 1.2.2019. During the pendency of the writ petition, the petitioner has preferred an appeal before the appellate authority on 27.6.2019. But, so far, the appeal is not disposed of.

Learned counsel appearing for the petitioner contended that appropriate orders be passed in the writ petition directing the appellate authority to consider the appeal preferred by the petitioner on 27.6.2019.

Learned Government Pleader appearing for the respondents contended that since the appeal preferred by the petitioner is pending before the 1st respondent, the 1st respondent would consider the same and pass appropriate orders in accordance with law.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the considered view that this writ petition can be disposed of directing the 1st respondent to consider the appeal preferred by the petitioner on 27.6.2019 and pass appropriate orders, in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. It is needless to state that the appellate authority shall consider the case of the petitioner for disbursement of the leave encashment amount.

Accordingly, the Writ Petition is disposed of. No costs.

Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

Date: 31.10.2019
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