

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.38828 of 2015

Dated : 10.12.2015

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Between:

Korra Sunder Rao S/o.Ramanna,
Aged 28 yrs, R/o.Ballimamidi Village,
Pynampadu Post & Gram Panchayat,
Ananthagiri Mandal, Visakhapatnam District.

.. Petitioner

And

The State of Andhra Pradesh,
Rep., by Principal Secretary,
Panchayat Raj and Rural Development Department,
Secretariat Buildings, Hyderabad & 2 others.

.. Respondents

This Court made the following :

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ORDER :

The petitioner was a Field Assistant. Proceedings were initiated against him on the allegation of resorting to financial irregularities which resulted in terminating his services. Several charges were leveled against him. Petitioner filed his explanation and after the explanation was filed, the impugned order is passed.

2. Learned counsel for the petitioner contends that the explanation offered by the petitioner on each of the allegations was not considered and no finding is recorded. Record of disciplinary action against petitioner is produced.

3. A reading of the impugned order would show that the authority first extracts the charge then the explanation given by the petitioner and one sentence is written under each of the allegations. The finding of the authority is that the petitioner was responsible and amount to be recovered from him. At the end of extract of charges and explanation, conclusion is written which briefly refers to verification of records and then holds the petitioner as responsible. No discussion on the explanation offered by the petitioner and reasoning assigned for his conclusion.

4. The record of enquiry conducted against the petitioner is perused. First it refers about personal enquiry. During personal hearing on a printed pro forma proceeding sheet was circulated to petitioner. It contained several columns. Except first four columns all other columns are kept blank. With reference to the allegations, the relevant columns are kept blank. This would show that a perfunctory enquiry was conducted. At the end of the sheet the signature of the petitioner was obtained as if enquiry was held on 11.07.2014 and conclusion is recorded. The said conclusion is similar to the findings recorded in the proceedings by which the services of the petitioner are terminated.

5. Human Resources Policy regulates the service conditions of Field Assistants. Para 13 of the Human Resources Policy prescribes procedure to take disciplinary action against Field Assistants. A reading of the order would show that the conclusions recorded on each of the charges are not on consideration of the written explanation and explanation offered during

the course of personal hearing. The record discloses that the elementary principle of taking disciplinary action was not followed while terminating the services of the petitioner. The order of termination is as a consequence to the disciplinary action and does have serious adverse consequences, such as losing employment and securing future employment. This action of the respondents is in clear violation of principles of natural justice and contrary to Human Resource Policy. It is *ex-facie* illegal. Therefore, the order passed as a consequence to perfunctory enquiry is not valid in law and is liable to be set aside.

6. Having regard to the above, the Writ Petition is allowed and the matter is remitted to the 3rd respondent for passing orders afresh after duly considering the explanation offered by the petitioner on each of the allegations leveled against him and by affording due opportunity of hearing. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

10th December, 2015
Rds

P.NAVEEN RAO,J