

THE HON'BLE SRI JUSTICE P NAVEEN RAO

WRIT PETITION No. 37853 OF 2015

Date: 20.11.2015

Between :

Barla Satyanarayana, S/o Apparao, 46 years,
R/o D.No.3-94, Gajjenapudi Village,
Prathipadu Mandal, East Godavari District.

.... Petitioner

And

The State of Andhra Pradesh, rep.by its
Principal Secretary, Panchayat Raj Department,
Secretariat Buildings, Hyderabad and others.

.... Respondents

This Court made the following :

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ORDER:

Learned counsel for petitioner submits that petitioner was appointed as Senior Mate in Gajjanapudi Gram Panchayat of Prathipadu mandal of East Godavari district vide proceedings dated 15.4.2015. By impugned order dated 23.9.2015 services of the petitioner were terminated. The impugned order refers to a report of the Mandal Parishad Development Officer, Prathipadu dated 16.2.2013 making certain allegations against the petitioner as to in-competency, not performing duties properly and irresponsibility. It appears, that certain written complaints are filed by villagers which made the Mandal Parishad Development Officer to enquire into the same and to submit a report. No prior notice was issued. Petitioner was not given opportunity of hearing.

2. Learned standing counsel for respondents 3 to 5 submitted that for the post of Senior Mate, Mandal Parishad Development Officer is competent authority and he ought to have taken action against the petitioner, whereas the order is passed by the Project Director.

3. Reading of the proceedings impugned in the writ petition would show that no prior notice or opportunity is afforded to the petitioner before passing the order. The order is not a simpliciter, but is a reasoned order attributing certain lapses on the part of the petitioner and certainly is a stigmatic order. Whenever an order of termination is passed, which has ingredients of attributing some misconduct, no such order can be passed without following the due process. This order shall have adverse consequences on further employment prospects of petitioner. Even if a person is appointed on tenure basis, if his termination is not on account of completion of period of contract,

but on account of some allegation, at least basic norms should be observed such as calling upon the petitioner to submit explanation on the allegation leveled, furnishing of relevant documents, considering the explanation submitted, if any and if necessary affording personal hearing and then to take a decision. Since this procedure is not followed, order is not sustainable and is liable to be set aside on that ground alone and accordingly the same is set aside.

4. Furthermore, though Mandal Parishad Development Officer is competent authority, decision was taken by the Project Director. However, while setting aside the order on the above stated grounds, in the peculiar facts of this case, matter is remitted to the Project Director/4th respondent since decision impugned is taken by him and Mandal Parishad Development Officer is subordinate to him. He shall reconsider the matter objectively and take appropriate course of action as warranted by law, after affording due opportunity to the petitioner.

5. Accordingly, the writ petition is allowed. No costs. Miscellaneous petitions if any pending in the writ petition shall stand closed.

P.NAVEEN RAO,J

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TVK

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