

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

AND

THE HON'BLE MRS. JUSTICE ANIS

WRIT PETITION No.26352 of 2015

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ORDER: (per Hon'ble Sri Justice Nooty Ramamohana Rao)

The Deputy Inspector General, Registration and Stamps, Karimnagar, the appointing authority was the 1st petitioner while the State of Telangana was the 4th petitioner in this writ petition. The 1st respondent herein, who was appointed as a Junior Assistant on compassionate grounds due to untimely death of his brother, who is serving the department earlier, has been proceeded as a measure of discipline for having not brought out the relevant particulars relating to his earlier involvement in a Criminal Case. Therefore, he has been dismissed from service. It is against that order, he instituted O.A.No.5874 of 2013. The Tribunal allowed that O.A. only on the ground that no prior notice was issued providing an opportunity of hearing to the applicant and liberty was preserved to the petitioners herein for taking appropriate action against the applicant as per the rules.

Learned Government Pleader would submit that the petitioner was involved in a criminal case pertaining to circulation of fake currency and he was apprehended by the police on 04.05.2003. He was in fact convicted by the Court on 03.09.2007. However, when he preferred an appeal, he has been acquitted on 18.12.2009 only. But he has not furnished this information against the Column Nos.12 and 13 of the attestation and antecedents form and also submitted a false declaration that he was not involved in any crime.

Be that as it may, the least that anyone is required to comply with before an order which is capable of gravely impacting another person is to provide such a person with an opportunity of hearing. In the instant case, no such opportunity has been provided by the petitioners herein and straightaway passed the order of punishment against the 1st respondent, who is the applicant before the Tribunal. Since the action of the petitioners herein is in gross violation of principles of natural justice, the Tribunal has rightly arrived at a conclusion that the order passed by them cannot be sustained as it is in violation of principles of natural justice. Accordingly, set aside

the same, but at the same time, the Tribunal has taken care to protect the interests of the petitioners by preserving them the liberty to act in accordance with law.

We, therefore, do not see any justifiable reason for us to entertain this writ petition as there is no error in carrying out jurisdiction by the Tribunal. Instead the petitioners would have put the 1st respondent herein on notice providing him an opportunity of hearing and after considering the explanation, if any, offered by him, they could have passed the final orders one way or the other. Instead of that, they have indulged in this litigation. Therefore, we do not find any merit in this writ petition and dismiss the same.

Accordingly, the writ petition is dismissed. No order as to costs.

The miscellaneous applications, if any shall also stand closed.

JUSTICE NOOTY RAMAMOHANA RAO

JUSTICE ANIS

07.10.2015

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