HON'BLE SRI JUSTICE R.KANTHA RAO

W.P.No.16482 of 2015

ORDER:

Heard learned counsel appearing for the petitioner, learned Government Pleader for Co-operation appearing for respondents 1 and 2 and learned Standing Counsel appearing for respondents 3 and 4.

This writ petition is filed seeking to declare the action of the 4th respondent in terminating the services of the petitioner from the post of Staff Assistant *vide* proceedings dated 4.6.2015, as arbitrary and illegal.

In response to the notification dated 4.9.2011 issued by the 3rd respondent, the petitioner applied for the post of Staff Assistant. One of the requirements for being appointed as Staff Assistant is that a candidate must possesses at least 10 years work experience in Primary Agricultural Co-operative Society(PACS). Accordingly, the petitioner submitted all the necessary documents and certificates along with a work experience certificate. Pursuant to the same, the petitioner was allowed to write the written examination and as the petitioner

was qualified in the written examination, the 3rd respondent *vide* letter dated 25.02.2012 informed him to appear before the Selection Committee on 3.3.2012 for interview. Thereafter, the petitioner was appointed as Staff Assistant/Clerk *vide* order dated 3.3.2014 passed by the 4th respondent. At the time of appointment, the petitioner submitted copy of Service Register in support of his previous 10 years work experience. As the said Service Register was not attested by the Divisional Co-operative Officer, Kadapa, the 4th respondent instructed the petitioner to take necessary steps. Pursuant to the same, the petitioner submitted a letter dated 9.5.2014 to the 4th respondent to handover the Service Register and the same was handed over to him on 18.09.2014. Thereafter, the petitioner submitted the said Service Register to the Divisional Cooperative Officer, Kadapa, for attestation. When the said Service Register was pending attestation, the 4th respondent issued Final Notice dated 18.10.2014 to the petitioner to submit the work experience certificate. On receipt of the said notice, the petitioner informed the 4th respondent that the

Service Register was submitted to the Divisional Co-operative Officer, Kadapa, for attestation and the same would be submitted after attestation. The 4th respondent issued another notice on 30.10.2014 and again on 2.12.2014. On receipt of the Service Register attested by the Divisional Co-operative Officer, Kadapa, the petitioner submitted the same to the 4th respondent. But, to his utter surprise, the 4th respondent vide proceedings dated 4.6.2015 terminated the services of the petitioner from the post of Staff Assistant without issuing any notice or conducting enquiry. Hence, the present writ petition.

Learned counsel appearing for the petitioner submits that terminating the services of the petitioner without issuing notice or conducting enquiry, is illegal. He further submits that the respondents ought to have followed the procedure as contemplated under the Andhra Pradesh Cooperative Societies Act, 1964 and the Rules made thereunder.

On the other hand, learned Standing Counsel appearing for the respondent-Bank would submit that one of the guidelines relating to recruitment of the petitioner specifically lays down that if any

information or document furnished by the petitioner for securing appointment is found to be false, he can be terminated from service. In the instant case, according to the learned counsel, the petitioner submitted a fake service certificate and that his services were terminated.

Considering the submissions made by the learned counsel on either side, this Court is of the view that even if the petitioner submitted a fake service certificate, he must be afforded an opportunity to submit his explanation. The impugned order of termination was passed without following the due procedure and hence, the same is liable to be set aside.

Accordingly, the impugned proceedings dated 4.6.2015 issued by the 4th respondent are set aside and the respondent-Bank is at liberty to issue show cause notice to the petitioner after furnishing necessary documents to him, take further steps in the matter and pass appropriate orders in accordance with law.

Writ Petition is accordingly disposed of. There shall be no order as to costs.

As a sequel, Miscellaneous Applications, if

any, shall stand closed.

JUSTICE R.KANTHA RAO,J

16th June, 2015
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