

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.10024 of 2015

ORDER:

Supersession of the order, dated 20-03-2015 is challenged, whereunder and whereby the District Wakf Committee of Warangal District has been superseded.

The averments in the writ affidavit are to the effect that initially the petitioner was appointed as District Wakf President, Warangal District for one year and the said term has expired on 07-07-2011. The 2nd respondent reappointed him vide proceedings No.Fno.37/B1/DWC/WGL/ 2002, dated 13-12-2013 for three years. The petitioner herein lodged complaint against one Bari regarding misappropriation of amounts of Wakf Board to the 3rd respondent and the 3rd respondent removed his services. As a counterblast, the said Bari lodged complaint against the petitioner herein and the 2nd and 3rd respondents initiated enquiry proceedings against him. The 3rd respondent issued a show cause notice to the petitioner and the petitioner herein submitted his reply. Without considering the reply submitted by the petitioner, the 3rd respondent issued suspension proceedings vide Fno.37/B1/DWC/WGL/2002, dated 20-03-2015 suspending the petitioner herein. Hence, the writ petition.

Heard Sri G.L. Narasimhar Rao, learned counsel for the petitioner and the learned Government Pleader.

Learned counsel for the petitioner submits that there was no notice issued and no enquiry conducted pursuant to the notice issued. Though explanation was submitted by the petitioner the same was not considered and not even referred to in the impugned order. The order merely states that the explanation submitted by the petitioner is not convincing.

A perusal of the impugned order, dated 20-03-2015 reveals that it is a non-

speaking order. As per the notice issued to the petitioner there were three allegations against the petitioner. The petitioner submitted a detailed explanation on 24-01-2015. So far as allegation No.2 is concerned, the petitioner submitted that since 1999 every local committee was using the logo of the Wakf Board on their letter and at any rate and at any point of time there were any circular indicated issuing logo. In that view of the matter, the petitioner sought condonation of the lapse, if any.

So far as allegation No.3 is concerned it is not a much more serious allegation which has been made against the petitioner for which he had submitted his explanation.

So far as allegation No.1 is concerned it is a very serious nature virtually reflecting the conduct of the petitioner amounting to moral turpitude, for which also the petitioner had submitted a detailed reply.

Basing on the reply, in normal circumstances an Enquiry Officer ought to have been appointed for the purpose of conducting enquiry, which has not been done in the present case. Even assuming that there is no requirement of conducting enquiry in the opinion of the respondents – Chief Executive Officer, the explanation submitted by the petitioner ought to have been considered in an objective manner and the order should reflect that consideration. However, the order impugned merely shows that clarification given by the petitioner is not convincing and unsatisfactory and devoid of merits, which reflect total non-consideration of the material on record. In what manner, to what extent the explanation is unsatisfactory and not convincing is not disclosed from the impugned order.

In that view of the matter, the impugned order is liable to be set aside and accordingly the same is set aside. However, liberty is given to the respondents to conduct enquiry or consider the explanation submitted by the petitioner objectively and pass appropriate orders, if such course is permissible in law.

With the above directions, the writ petition is allowed. There shall be no order as to costs. Miscellaneous petitions, if any pending in this writ petition, shall stand closed.

CHALLA KODANDA RAM, J

April 09, 2015

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