

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.2938 of 2014

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Date: 20.01.2016

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Between:

N.Rajani D/o N.Rama Rao, Aged about 31 years,
Working as DTP Operator, Sri Ganana Saraswathi
Devasthanam, Basar, Adilabad District.

.....Petitioner

And

The State of A.P., rep.by its Principal Secretary,
Endowments Department, Secretariat, Secretariat
Buildings, Hyderabad and others.

.....Respondents

The Court made the following:

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ORDER:

Heard Sri N.B.Gnaneshwar, counsel for petitioner, learned Government Pleader for Endowments for respondents 1 to 3 and Sri Ch.Satish Kumar, learned standing counsel for respondent no.4.

2. Petitioner joined service of 4th respondent temple as Computer Operator on contract basis on payment of Rs.5,000/- per month. Initially contract was for a period of eleven months, and extended from time to time. The service of petitioner was terminated by order dated 19.12.2013. Aggrieved by the said termination order, this writ petition is filed.

3. This Court by order dated 04.02.2014 granted interim suspension as prayed for. Pursuant to the interim orders of this Court, petitioner was transferred by proceedings dated 10.02.2014 to Shree Jagannath Swamy Ramgopal Trust, Secunderabad and petitioner is presently working in the said temple.

4. Learned counsel for petitioner contends that the order of termination is *ex facie* illegal. The respondent temple could not have acted upon unverified reporting in electronic and print media and such order having severe civil and evil consequences and being stigmatic could not have been passed without affording due opportunity to the petitioner.

5. She further contends that petitioner and her former husband never lived together. This fact was also admitted by her former husband as reported in media. Furthermore, they obtained divorce with mutual consent on 12.12.2014. Learned counsel further submits that there is no misconduct committed by the petitioner.

6. Learned counsel further submits that as service rendered by the petitioner is satisfactory since the date of appointment, as early as on 17.12.2012 the Executive Officer recommended regularization of her services and the issue of regularization is pending. Thus, termination of her service takes away her right to regularization of her services. Termination adversely affects the livelihood of the petitioner and would cause severe hardship and suffering. She has grownup children and she has to take care of them and, therefore, termination severely affects the life of the petitioner and her children.

7. Learned standing counsel submits that it was widely reported in the electronic and print media about behaviour of the petitioner. As an employee working in the temple, the petitioner ought to have conducted herself in a dignified manner maintaining the sanctity of the religious institution. Laks of devotees visit the temple and good conduct of the employees working in the temple is primary requirement of maintaining the sanctity of the temple. Thus, the respondent authorities did not appreciate the conduct of the petitioner, more so as her extra-marital relationship was widely reported in the media. A preliminary enquiry was conducted and having found some basis on media reporting, decision to terminate was taken. Learned standing counsel therefore contends that termination is validly made. Petitioner being a contract employee, no notice or opportunity is required to be given before terminating her services. Learned standing counsel relied on the decision of the Division Bench of this Court in **Government of A.P. and others v. P.Sulochanamma and others**^[1].

8. I have given my anxious consideration to the rival contentions. Petitioner was selected and appointed as Computer Operator in the year 2007. Having found that her services are satisfactory and necessity of the post of computer operator to the 4th respondent

temple, on 17.03.2012 recommendation was made to the Commissioner, Endowments for regularization of her services. The issue of regularization is pending when the impugned order is passed. Except for the alleged instance, no adverse remark in her service is placed before this Court.

9. The impugned order attributes bad conduct of the petitioner as widely reported in the media. Impugned order alleges that petitioner has acquainted close intimacy with another employee while her marriage is subsisting. The order impugned is certainly stigmatic, has severe consequences on future employment and reputation in the society especially when employee is a woman. Canons of justice and equity require that person must be put on notice and call for explanation against the allegations as made in the media and affording due opportunity of hearing before taking such decision.

Order of termination is not preceded by notice and opportunity of hearing.

10. It is not the case of respondents that they have decided not to renew the contract of the petitioner. But for the impugned termination petitioner could have been continued and proposal for regularization of her services is pending with the Commissioner since the year 2012. By virtue of interim order, petitioner is continued in service. She was transferred to Shree Jagannath Swamy Ramgopal Trust, Secunderabad, by proceedings dated 10.02.2014 and petitioner is working in the said temple. By proceedings dated 20.11.2015, the Commissioner permitted her to work in the said temple till 31.03.2016.

11. The decision relied upon by the learned standing counsel has no application to the facts of this case. In the said case, a candidate was appointed against a roster point when no candidate belonging to the roster point was available. His services were terminated as soon as a roster point candidate is available. The same is upheld by this

Court. The Court also considered maintainability of O.A., before the Andhra Pradesh Administrative Tribunal against termination of contract employee. Full Bench of this Court in **Mohammad Azmat Ali v. Director of Intermediate Education, Andhra Pradesh, Hyderabad and others**^[2] has held that on the grievance of contract employees also, the Tribunal has jurisdiction to entertain and adjudicate the grievances and to that extent the above decision is held as not good law.

12. Having regard to the peculiar facts of this case as noted above the stigmatic order of termination made without following due process of law is liable to be set aside and is accordingly set aside. The writ petition is allowed. However, liberty is granted to the respondent authorities to take appropriate action as warranted by law by following due process.

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

JUSTICE P.NAVEEN RAO

Date: 20.01.2016
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[\[1\]](#) 2010 (2) ALD 174 (DB)

[\[2\]](#) 2012 (3) ALT 151 (F.B)