

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

AND

THE HON'BLE SRI JUSTICE G. SHYAM PRASAD

**WRIT APPEAL No.688 OF 2016 & WRIT PETITION No.41186 OF
2015**

DATED: 09-08-2016

WRIT APPEAL No.688 OF 2016

Telangana State Aids Control Society,
Rep. by its Project Director,
Sultan Bazar, Koti, Hyderabad and
three others.

--- Appellants.

And

M. Ramulu and another.

--- Respondents.

Counsel for the appellants : Government Pleader for
Medical, Health and Family
Welfare (TS).

Counsel for the respondent No.1 : Mr. M.R. Tagore.

Counsel for the respondent No.2 : Assistant Solicitor General.

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WRIT PETITION No.41186 OF 2015

M. Ramulu.

--- Petitioner.

And

Telangana State Aids Control Society,
Rep. by its Project Director,
Sultan Bazar, Koti,
Hyderabad and four others.

--- Respondents.

Counsel for the Petitioner : Mr. M.R. Tagore.

Counsel for the respondent
Nos.1, 2, 4 and 5 : Government Pleader for
Medical, Health and Family
Welfare (TS).

Counsel for the respondent No.3 : Assistant Solicitor General.

This Court made the following:

COMMON JUDGMENT: (*Per Hon'ble Sri Justice C.V. Nagarjuna Reddy*)

Order dated 13.07.2016, in W.V.M.P. No.246 of 2016 in W.P.M.P. No.53169 of 2015 in W.P. No.41186 of 2015, is under challenge in this Writ Appeal.

Respondent No.1 has filed Writ Petition No.41186 of 2015 feeling aggrieved by the proceedings No.060/Enquiries/2015-16, dated 01.12.2015, whereby appellant No.1 has terminated his contract employment.

We have heard the learned Special Government Pleader for Medical, Health and Family Welfare (T.S.) and Mr. M.R. Tagore, learned counsel for respondent No.1. Respondent No.1 was appointed as District Integrated Counseling Testing Centre (ICTC) Supervisor, District Aids Prevention and Control Unit (DAPCU), Ranga Reddy District, on contract basis, after going through the process of written test and interview. Though the period of contract was only one year under appointment order, dated 13.08.2012, respondent No.1 is being continued as ICTC Supervisor, Ranga Reddy District. While so, by proceedings dated 01.12.2015, appellant No.1 terminated the contract employment of respondent No.1. Questioning the same, respondent No.1 filed W.P. No.41186 of 2015. Under order dated 18.12.2015, this Court suspended the impugned order of termination. Appellant No.1 has filed an application for vacating the interim order. A learned single Judge in the aforementioned order, dated 13.07.2016, dismissed the vacate stay application and made the interim order absolute.

The learned Special Government Pleader submitted that though appellant No.1 has raised several pleas in the counter affidavit and they were advanced at the time of hearing, the learned single Judge has not considered the elements of *prima-facie* case, balance of convenience and irreparable injury and dismissed the vacate stay

application without proper reasons. We find from the order of the learned single Judge that no reasons have been mentioned for making the interim order absolute except the observation that since the Court has granted interim suspension of the impugned order on 18.12.2015, the same cannot be vacated without hearing respondent No.1.

A perusal of the order impugned in the Writ Petition shows that the services of respondent No.1 were terminated based on an enquiry by the National Aids Control Organization (NACO) officials and an enquiry report was submitted by them following such enquiry. It is also stated therein that the enquiry report reveals several disparities and irregularities. The learned Special Government Pleader candidly admitted that neither a notice was issued to the respondent No.1 nor the purported enquiry report was supplied to him. The learned counsel for respondent No.1 submitted that except his client, all other persons, who were appointed on contract basis after selection process, are being continued. Though respondent No.1 being a contract employee, the initial contract period of employment having expired, the appellants have a right to terminate his contract employment. But if such termination is based on the alleged irregularities, the same casts a stigma on respondent No.1 and, therefore, the appellants are bound to give the respondent No.1 an opportunity of being heard by issuing a notice and calling for an explanation.

As this process is not followed, termination of the contract employment of respondent No.1 cannot be sustained in law. At this stage, learned Special Government Pleader requested that this Court may dispose of the Writ Petition itself along with the Writ Appeal with liberty to the appellants to issue a notice to respondent No.1 and, after calling for explanation, they may be permitted to pass an appropriate order. The learned counsel for respondent No.1 has not opposed this submission. Since respondent No.1 is only a contract employee, we feel that a full-fledged enquiry is not necessary. However, he is entitled to know the nature of the allegations made in the enquiry report and

explain his stand *vis-à-vis* such allegations. This would be possible only if the appellant No.1 issues a notice to the respondent No.1 calling for his explanation.

In the light of the above discussion, the proceedings impugned in the Writ Petition are set-aside; Writ Appeal and Writ Petition are, accordingly, allowed. However, liberty is given to the appellant No.1 to issue a notice, furnish an enquiry report along therewith to respondent No.1 and pass a detailed speaking order, after receiving explanation from the latter. Till this process is completed, respondent No.1 shall be continued as District ICTC Supervisor, DAPCU, Ranga Reddy District with all the monetary benefits such as arrears of salary.

As a sequel to disposal of the Writ Appeal, W.A.M.P. No.1761 of 2016, filed by the appellants for the *interim* relief, shall stand closed as infructuous.

C.V. NAGARJUNA REDDY, J

G. SHYAM PRASAD, J

Date: 09-08-2016.

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THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

AND

THE HON'BLE SRI JUSTICE G. SHYAM PRASAD

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WRIT APPEAL No.688 OF 2016

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WRIT PETITION No.41186 OF 2015

(Common Judgment of the Division Bench delivered by
Hon'ble Sri Justice C.V. Nagarjuna Reddy)

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Date. 09-08-2016

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