

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.38794 of 2016

ORDER:

In this writ petition, the petitioner seeks a writ of mandamus declaring the action of the respondent in issuing G.O.Ms.No.37, Minorities Welfare (Estt.II) Department dated 01.11.2016 suspending the petitioner from the post of Government Khazi, Kothagudem as arbitrary and illegal and consequently, to direct the respondent to take into consideration the reply given by the petitioner dated 26.10.2016 to the show-cause notice dated 13.10.2016 and pass appropriate orders in accordance with law.

The petitioner has been working as Khazi for Kothagudem Mandal, Khammam District ever since the date of his appointment on 06.05.2006. On the complaint given by one M.D. Khyrunnisa on 14.4.2016 inter alia alleging that the petitioner is A.6 in Crime No.18 of 2016 and he is not entitled to continue as Khazi, the respondent issued a show-cause notice to the petitioner on 13.10.2016, for which the petitioner submitted his explanation on 26.10.2016 and by the impugned order, the petitioner was placed under suspension. Assailing the same, the present writ petition is filed by the petitioner.

Heard and perused the material available on record.

A reading of the impugned order would indicate that the petitioner failed to submit his reply to the show-cause notice within the stipulated time. Admittedly, the show-cause notice was served on the petitioner on 13.10.2016 whereby the petitioner was directed to submit his reply within a period of one week. Whereas, the reply submitted by the

petitioner reached the office of the respondent only on 26.10.2016 and the present impugned order was passed on 02.11.2016.

The learned Government Pleader for Social Welfare submitted that even though it is the case of the petitioner that he has submitted his reply on 26.10.2016, the same was not communicated to the authorities concerned since it has to be forwarded through the Tappal Section and then only it will reach the respondent in time. In any event, since it is the grievance of the petitioner that his reply was not taken into consideration, the learned Government Pleader submitted that the reply given by the petitioner dated 26.10.2016 would be considered and fresh orders will be passed.

In view of the above, the impugned order dated 02.11.2016 passed by the respondent is set aside and the respondent is directed to pass orders afresh after duly taking into consideration the reply submitted by the petitioner dated 26.10.2016 pursuant to the show-cause notice dated 13.10.2016.

Accordingly, the writ petition is disposed of. No costs.

Pending Miscellaneous Petitions, if any, shall stand closed.

18.11.2016
Tsr

RAJA ELANGO,J

